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AN ATTEMPTED POLITICAL CRIME

BY

SRI F. V. ARUL, B.A., I.P.,

(*Dy. Inspector-General of Police, C I.D , Madras.*)

Shri M. G. Sankar, a Congress M.L.A. of Munanjipatti in Tirunelveli District of Madras State laid a complaint at the Nanguneri Police Station on 22-10-59 that according to information received by him his political enemies had attempted to murder him some two months prior to the date of report and that the attempt had failed. This complaint was registered under Section 307, I.P.C. by the local police and investigated for about 3 weeks, when the Superintendent of Police, Tirunelveli District decided to transfer the case to the Crime Branch, C.I.D. on account of its intrinsic importance. Accordingly, the investigation was taken up on 15-11-59 by the C.I.D. Inspector.

2. M. G. Sankar contested the General Elections in 1952 to the State Legislature and his rival was Kumaraswamy Reddiar of Moolakaraipatti, who was supported by Madaswamy Thevar of Sanganankulam. Incidentally, the latter was an unusually good Volley-Ball player and represented INDIA at the ' Moscow Games ' in 1952. In the elections referred to above M. G. Sankar defeated his rival. In the 1957 General Elections both Kumaraswamy Reddiar and Madaswamy Thevar again challenged Sankar but were again defeated. This led to bitter feelings between Sankar on the one hand and Kumaraswamy Reddiar and Madaswamy Thevar on the other hand. Thereafter, the latter and their hirelings started a campaign of trespass and violence against the supporters and relations of Sankar, on which occasions several cases were registered and investigated by the local police. Kumaraswamy Reddiar was actually prosecuted under Section 110, Cr.P.C. and was bound over. The two groups came to a clash once more during the Panchayat Elections held in 1959. Later that year, the two parties opposed each other in supporting rival claimants to the estate of R.K. Subbaraya Reddiar of Moolakaraipatti. It was against this background of constant feuding and political rivalry that an attempt was made by Kumaraswamy Reddiar and his group to murder Sankar by waylaying his car and shooting him with a revolver.

3. The actual attempt ended in a fiasco and the intended victim came to hear of it only some two months later. Thus, the C.I.D. Inspector had the difficult task of reconstructing the attempted crime and of securing the witnesses who could speak to the attempt. Sankar had heard a garbled version of the incident from one Veerabadra Thevar. The C.I.D. Inspector got the help of this witness and by interrogating him tactfully, he was able to ascertain that he had got the information from Ramiah Thevar of Moolakaraipatti. The latter had left his village after the rumours of the attempted murder had started and the C.I.D. Inspector finally traced him at Naduvakurichi. He stated that Kumaraswamy Reddiar took him some two months prior to the date of his examination to the house of Madaswamy Thevar where 8 other conspirators had gathered. They offered him a sum of Rs. 4,000 to ambush and shoot Sankar with a revolver during his daily journey from Munanjipatti to Tirunelveli. He declined the offer on the ground that he does not know how to use a revolver. The conspirators then offered to train him in the use

of the revolver but he again declined. He stated that he refused to join the conspirators as he heard privately from one of the conspirators who was well-known to him that the intention was to murder Ramiah himself after he had murdered Sankar so that the crime could be covered up completely. As he had refused to toe the line he was severely warned by Kumaraswamy Reddiar and Madaswamy Thevar that his life would be in danger if he mentioned the details of the conversation to anybody.

4. On the strength of this statement the C.I.D. Inspector arrested the nine conspirators mentioned by Ramiah. One of them, by name Narayanaswamy Reddiar, turned approver and came out with the full facts of the conspiracy. According to him, they had decided to waylay Sankar one evening after dusk when he was returning to Munanjipatti from Tirunelveli *via* the Reddiarpatti Road. They arranged a road block with the use of tar-barrels which had been abandoned on the road-side by the Highways Department. This ambush was arranged at a suitable culvert on the Reddiarpatti road. Kumaraswamy Reddiar armed himself with a loaded revolver. At the expected time a car came along and they stopped it with the use of tar-barrels. They all then rushed to the car but found that it was some other party that was travelling whose driver was known to them. The latter questioned them as to why they stopped the car but they threw the blame on the Highways Department and went away.

5. The C.I.D. Inspector was able to elicit the name of the driver of the car which had been stopped. He was traced at Nagercoil in Kanyakumari District and the registration number of the car and the names of the persons who travelled in the car were ascertained. The driver also spoke to the ambush as well as to the fact that conspirators rushed at them. The same facts were spoken to by the other passengers of the car who were duly traced.

6. The next task of the Inspector was to trace the revolver which had been used in the attempted offence. He tactfully elicited the information from one of the close relations of one of the conspirators that the revolver was in the possession of one Ramaswamy Naicker of Mukuttumalai village. The Inspector, therefore, rushed to that village and searched the house of Ramaswamy Naicker. He recovered a six-chambered revolver made in the United States of America and cartridges. It was, of course, unlicensed. Ramaswamy Naicker confessed that he had hired the weapon for a sum of Rs. 1,000 and that the conspirators had tested the efficacy of the revolver by shooting a donkey at a lonely place. He pointed out the place where the donkey had been shot and some bones were recovered at the spot.

7. On a requisition given by the C.I.D. Inspector the local Sub-Magistrate sent the revolver to the Chemical Examiner's Office at Madras for examination and the bones to the Veterinary Surgeon for his opinion. The latter testified that the bones belong to an animal. The former found to his astonishment that the trigger of the revolver had been broken into two pieces. He, therefore, certified that the revolver was not in working condition. This would have affected the very basis of the case. Actually the revolver was in perfect working condition at the time of its seizure. The Sub-Magistrate to whom the revolver had been handed over was therefore examined as a witness. He testified that the revolver was in perfect condition both when the Police handed over the weapon to him and also when he had the fire-arm packed in a wooden box in his presence in order to send it to the Chemical Examiner's Office at Madras. Confidential enquiries made by the C.I.D. Inspector revealed the fact that the accused party who are in affluent circumstances and who had come out on conditional bail had managed to suborn the constable who had escorted the parcel to the Chemical Examiner's Office.

8. As investigation had been completed a charge sheet was filed under Section 120-B read with Section 307, I.P.C. and Section 19 (f) of the Arms Act against 8 of the conspirators, the remaining two being taken as approvers. All the accused were committed to take their trial in the court of the Assistant Sessions Judge, Tirunelveli. The latter found them guilty of the offences with which they had been charged and he sentenced each of them to 3 years' R.I. The accused appealed to the Additional Sessions Judge, Tirunelveli who acquitted them on the ground that it was not safe to accept the evidence of witnesses who had been in bitter opposition to the accused for nearly seven years.

THE POLICE AND SOCIAL SERVICE TO YOUTH

BY

SRI N. KRISHNASWAMY, M.Sc., I.P.S.,

(*Deputy Commissioner of Police, Crimes, Madras*)

The true police philosophy is a positive one of aiding and assisting all instead of a negative one of repression and prosecution. Unfortunately, to many people, the word 'Police' is almost synonymous with suppression. The general public pictures the policeman as a guardian of the law relentlessly pursuing law breakers with a view to bring them to book. This stern and negative concept has been reproduced by the Press, the cinema and in literature. Of course, it is the duty of the Police to see that offenders are punished but it is no less their duty to attempt to prevent people from becoming offenders. It is inconceivable that one should have curative without preventive medicine. Prevention and cure are two aspects of the same problem.

2. There are other reasons for extending the action of the police to that of prevention. To begin with, prevention is far cheaper than suppression and its consequences. For instance, let us take a common example—an intoxicated man leaving a tincture shop. Should the Police Officer become a bit curious about him and escort him home in order to see what sort of home life he had to return to before taking action for prosecution he will have done his little bit towards the welfare of the community as a whole. This simple act may prevent a tragedy, suffering, ill-treatment, depredation or perhaps even the breakup of a home to the cost of the rest of society. Many other similar examples could be given. But that is not all. In every policeman there is another being which is very human. If a policeman is kept constantly at suppressive work it is a waste of his humanity. His field of activities should be widened so that his protective instincts are utilised which will bring an inner satisfaction to the man. The performance of such protective work by the police will improve its relations with the public. The latter are no doubt impressed with what the former are doing in the field of road safety work. This should be extended to all other realms of police intervention so that the people may gradually be able to understand the police which it only knows from the point of view of its more unpleasant aspects.

3. The Police Department should, therefore, in its essence be a social service organisation and a great deal of stress must be laid on the social service which it renders to youth. The period of adolescence between the school-leaving age and the time when a young person has settled down as a responsible citizen is a critical period of his life. It is then that character building, physical training and other aspects of healthy manhood must be cared for. The street has always been a favourite playground of children of all ages. This is quite natural. The lack of playing fields due to speculation in building sites in all urban areas inevitably drives the children into the streets. They know that they will find their friends there, freedom to move about and things and people to see as the street is the gateway to independence and the mirror of life. But the mirror is two-sided. After dark, the road

assumes a different aspect. Trouble and temptation lie in wait for the unwary. The trouble lies not only in the sophisticated surroundings but in the fact that these young persons are not only under no restraint but rendered more vulnerable by the fact that they are subject to the group psychology of the gang. Therefore, both the police and social service agencies have the duty to increase their protection of youth on which their future is going to depend. This is in keeping with the declaration of the rights of children drawn up by the United Nations, which says that children should be able to develop in a normal and healthy fashion, physically, intellectually, morally, spiritually and socially, in liberty and dignity and that they should be able to grow up in an affectionate and understanding family atmosphere which favours the harmonious development of their personality.

4. In the field of social service to youth by way of protection, the police officer holds a privileged position. Walking the streets both day and night, the arbiter and judge of dozens of incidents each day he is excellently situated to intervene at the first signs of juvenile maladjustment or any threat to their best interests. One of the characters in a recent book says 'I became a policeman so that I could be in the midst of life.' Occupying such a vantage position the policemen must raise barriers between pre-disposition and opportunity, which will have the twofold action of 'cleaning up' the roads and public places and safeguarding young persons in danger.

5. One positive measure of social service which the Police could render to youth is the organisation of Boys Clubs. As a matter of fact, this has been done not only in Madras City but in all the districts of the State. The basic principle behind the conduct of such clubs is that the moral sense of the children themselves is naturally and inherently good and all that it needs is the opportunity for its own growth and development. It, therefore, aims to provide recreation as an attractive alternative to the street-corner. It provides a building of some sort where young persons will find space, light, a variety of equipment and possibilities for new activities which their own poor homes can never provide. The principle followed in these police boys clubs is freedom from compulsion. Unless one wishes to rear a race incapable of exercising its freedom, always awaiting orders from some higher authority, one must preserve a part of life in which youth is offered the widest possible variety of freely chosen occupations. There are obvious attractions about compulsions ; it would bring even the most unwilling within the range of beneficial activities. But the price would be the loss of that freedom to choose for oneself which should begin to be exercised in precisely those years of adolescence.

6. Second only to freedom from compulsion is a variety of interest. It is of great importance to remember that there are more differences of temperament and interest in young people between the ages of 14 and 18 than in younger children or in older men and women. Therefore, no social service for youth can be fit for a democratic society which does not admit of a variety of forms of expression. Muddle is bad, but utter neatness is a deadly peril. It should be the aim in every youth organisation to have that rich variety conforming to diverse personalities which is the substance of true life.

7. Membership of all police boys clubs is free. The only condition which is imposed is a pledge on the following lines :—

> "I promise that I will endeavour to be honest, straight forward and manly in my daily life and that I will do all that I can to promote the best interests of the club."

Leadership is no problem as by the nature of his vocation a police officer is accustomed to accepting responsibility and he is usually a good organiser. He is familiar with the seamy side of life and so there is much tolerance in his make-up. Boys for their part

think of the police as something hostile to the spirit of youth, a sort of spoil-sport. There is a sense of antagonism, a feeling that the police exist to suppress them and that therefore they should bait them. Hence a boys club sponsored by the police will help overcome such prejudices and thereby an important element of the population will be won over to the side of law and order.

8. One point guarded against is that the youth attending these clubs are not " preached at," for nothing sets up a mood of antagonism sooner than any suspicion that they are being got at for the purpose of moral improvement and that what is being done for their recreation is only a device for such purposes. What must be realised from the beginning is the importance of really and genuinely keeping the idea of " moral uplift " clear of it. The overt aim, instead, should be to cultivate activities for their own value.

9. One other way in which the police can render social service to youth is by constituting a specialised unit for dealing with wayward youth. The nucleus of such a specialised unit has been recently set up in Madras City. Members of such a unit should be chosen from amongst serving officers and their choice should be governed not only by the interest in the work and special abilities which they have shown during their careers but by their psychological make-up, moral outlook and balance. To avoid the possibility of mistake, it would appear essential that candidates should have to pass an aptitude examination and a psychological examination. Youth in danger and delinquents are not like other children. The knowledge of their problems and education is a science in itself, built up slowly with the help of criminology, psychology and sociology. The solution would be to have the candidates for such specialised police units to be taught at an institute of criminology.

10. Generally speaking, the duties of Juvenile Aid Police Units are the following :—

(1) They will take charge of all juveniles and first offenders immediately after arrest and cause their production in court or the institution to which they are committed.

(2) They will maintain contact with the Approved and Borstal Schools and Probation Officers to keep track of offenders who continue to retain their criminal propensities, and advise the regular police on action in respect of those who revert or are likely to revert to crime.

(3) They will participate in or organize measures to counter criminal influences in high delinquency areas of cities and towns by promoting development activities, recreational facilities, boys clubs, and other youth activities and by advising the regular police on action against corrupting influences in these areas.

(4) Enforcing the provisions of the Reformatory Schools Act, Borstal Schools Act, Probation of Offenders Act, and Children's Act, in respect of juveniles and first offenders, and in respect of erring parents or guardians who are liable for the acts of such juveniles or offenders.

(5) Conducting cases against juveniles in the Juvenile Courts and assisting the Juvenile Courts in their work.

In this connection I would like to point out that the association of women police with such specialised units will be extremely helpful. The variety of tasks and duties of a Juvenile Aid Police Unit requires both male and female members. It is perfectly in keeping with a woman's nature to perform duties essentially protective in nature in which she can use both her heart and her knowledge of social work.

11. In a system where all juvenile cases are handed over to the specialised unit it might appear tempting at first sight to relieve all other departments of police of any responsibility for protective work in relation

to youth. This would be tantamount to over-simplification of matters. The Juvenile Aid Police Unit has neither a *de facto* nor a *de jure* monopoly of juvenile cases. The general police will more often than not find themselves confronted with situations in which they become immediately responsible for children. In such situations they cannot shirk their responsibilities. The protection of youth is every policeman's business before it becomes the business of some specialised unit of the police.

12. The third way in which the police of this State has sought to render social service to youth is by organising schools for children. Recently in one district such a school was raised to the standard of a High School. Free mid-day meals are being provided in these schools for all the children. It is easy to imagine these tiny-tots growing into manhood and womanhood retaining a lasting affection for the police.

13. It is the wise, sympathetic and understanding policeman who is the true friend of all youth. The humble work, which he does, is of vital importance to the matter of containing a form of social malaise which is consistently increasing. The greater application to it will result in greater social service to a vital segment of society.

"சிறுவர் குற்றம்"

(திரு. பொ. பரமகுரு. எம். ஏ., பி. எல்., ஐ.பி.எஸ்., மாவட்டப் போலீஸ் அதிகாரி, கடலூர்.)

'' பெறுமவற்றுள் யாமறிவது இல்லை அறிவறிந்த
மக்கட்பேறு அல்ல பிற ''

என்பது நம் தெய்வப் புலவர் திருவள்ளுவர் வாக்கு. ஆம், ஒருவன் பெறும் பேறுகளுள் மிகவும் சிறந்தது அறிவும் ஒழுக்கமும் உள்ள நல்ல புதல்வர்களே. அதைத் தவிர மற்ருெரு சிறப்புமில்லை. ஒரு வீட்டின் அணிகலம் நன்மக்களே. அவர்களைப் பொறுத்துத்தான் அக்குடும்பத்தின் பெருமையும், புகழும். அவர்கள்தான் ஒரு குடும்பத்தின் வருங்காலத் தலைவர்கள், நம் நாட்டின் நல்வாழ்வு காணும் ஆக்க வீரர்கள். அவர்கள் நெறி தவருது, நேர்மை குன்ருது, நியாயம் புரளாது கண்ணியத்தோடும், கட்டுப்பாடோடும், குற்றங் குறையின்றி வளர்ந்தோங்க வேண்டும். அப்பொழுது தான் நல் வாழ்வும், நம்மவர் வாழ்வும் வளம் பெறும்.

2. உலகில் எந்தக் குழந்தையும் குற்றக் குணத்தோடு பிறப்பதில்லை. ஆனுல் ஒரு சிலர் சந்தர்ப்பம், சூழ்நிலை, பழக்க வழக்கம், படிப்பின்மை, கூடா நட்பு, வறுமை காரணமாகக் குற்றவாளியாய் மாறுகின்றனர். பதினெட்டு வயதிற்கு உட்பட்டவர் சமுதாயத்திற்குத் தீங்கான, சட்ட விரோதமான செய்கை எது புரியினும் அது சிறுவர் குற்றமாம். நம் நாட்டில் 1959-ம் ஆண்டில் சிறுவர் குற்ற எண்ணிக்கை 30,000 ஆக இருந்தது. சென்ற வருடத்தில் 48,000 ஆக அதிகரித்துள்ளது. இவை பிச்சை எடுப்பது, சிறு திருட்டு முதல் கற்பழித்தல், கொள்ளை, கொலைவரை வியாபித்துள்ளன. கடந்த ஆண்டில் கொலை அல்லது கொலை செய்ய முயற்சி இவற்றிற்காக 600 சிறுவர் கைதுசெய்யப்பட்டனர் என்றறிய அதிர்ச்சி ஏற்படுகின்றது. இச்சிறுவர் குற்றம் ஒரு நாட்டின் முக்கிய பிரச்னைகளில் ஒன்ரும். நாகரிக நாடுகள் அனைவற்றிற்கும் இது பொது. மேற்கு நாடுகளிலும், ஏன் ஜப்பானிலும் கடந்த உலகப் போருக்குப் பின் சிறுவர் குற்றம் வெகுவாய் அதிகரித்துள்ளது. புதிய சமுதாயத்தைப் படைத்துவிட்டோம் எனப் பறை சாற்றும் ருஷ்யாவிலும் சிறுவர் குற்றம் இல்லாமலில்லை. எவர் மனதையும் எளிதில் தொட்டு, சிந்திக்கவைக்கும் இச் சிறுவர் குற்றத்தின் தன்மையையும், காரணத்தையும் நன்கு ஆராய்ந்து, தவிர்க்கும் வழியறிந்து ஆவனசெய்வது நம் கடமை.

3. நம் நாட்டில் பெரும்பாலோர் எளிய நடுத்தர வகுப்பைச் சார்ந்தவர். அவ்வகுப்பின் சீரற்ற குடும்பங்களே சிறுவர் குற்றம் பெருக ஏதுவாயுள்ளன. கணவன், மனைவி மனம் வேறுபாட்டால் ஒருவரோடு ஒருவர் வீம்பு செலுத்தி மட்டமான குடும்ப வாழ்க்கை நடத்துவதால் அவர்களது குழந்தைகள் கவனிப்பாரற்று கட்டு மீறி வளர்ந்து குற்ற வழிகளில் செல்கின்றனர். இன்னும் சிலர் சீர்கேடாய்த் தங்கள் குழந்தைகளின் எதிரிலேயே குடித்து, சூதாடி தப்பான வழி நடந்து, பேசத்தகாதன பேசி, குடும்பம் நடத்துவதால் சிறுவர்கள் கெட்டுக் குற்றக்குணம் பெறுகின்றனர். தவிர கணவன், மனைவி மனம் உடைந்து பிரிந்து வாழும் குடும்பங்களில் குழந்தைகள் கவனிப்பு, கண்டிப்பு எதுவுமின்றித் தீய வழிகளில் செல்கின்றனர். சிறுவர் குற்றத்தை இத்தகைய மட்டமான, சீர்கேடான, மனமுடைந்த குடும்பங்கள் பெரிதும் வளர்க்கின்றன. இஃதின்றிச் சில பெற்ருேர் மிதமிஞ்சிய அன்பாலும், சலுகையாலும் சிறுவர்களைத் தவருன வழி செல்ல உதவுகின்றனர். குற்றம் கண்ட இடத்துத் தன்

குழந்தையைக் கண்டித்து வளர்த்தால் அது நல்வழியில் திருந்தி வளரும். இல்லையேல் கெட்டு மடியும். இக்கருத்து விளக்கும் ஒரு சிறுகதையும் உண்டு. உங்களில் அநேகர் இதனை அறிந்தும் இருப்பீர்கள். இளங்காளை ஒருவன் கொலைக் குற்றத்திற்காகத் தூக்குமேடையை எதிர்நோக்கியுள்ளான். அவனுக்குத் தகப்பனில்லை, தாயுண்டு. அவன் தனது கடைசி வேண்டுகோளாய்த் தன்னருமை தாயைக் காண விரும்பினன். உடனே அவனது தாய் அழைத்து வரப்பட்டாள். "என்னருமைத் தாயே" என அன்னையைத் தழுவிய மகன் திடீரென அவளது மூக்கைக் கடித்து எடுத்தான். "அட பாவி! தூக்குமேடைக்குச் செல்லும்போதுமா இக் கோரச் செயல் புரிய வேண்டும்" எனப் புலம்பினுள் தாய். "நன்ருக அழு. என் காது குளிரக் கதறு. அப்போதுதான் என் மனம் மகிழும், சாந்தியடையும். அன்ெருரு நாள் நான் ஓர் ஊசி திருடி வந்தபோது என்னைத் தட்டிச்சொல்லிக் கண்டிக்காது மனம் மகிழ்ந்து மெச்சினுய். அதன் பயன் நான் ஒரு திருடனுய் இறுதியில் கொலைகாரனுகவும் மாறினேன். அதனுல் இந்த இளம் வயதிலே என் உயிரை இழக்கப் போகிறேன். அதற்குக் காரணம் நீ என்பதை உணர்த்தவே உன் மூக்கைக் கடித்து மூளி ஆக்கினேன். உன்னைப் பார்த்தாவது மற்றப் பெற்ருேர் தங்கள் பிள்ளைகளை இவ்விதம் தப்பான வழியில் வளர்க்காமல் இருக்கட்டும்" எனக்கூறித் தூக்குமேடைக்குப் போனுனும். அத்தகைய பெற்ருேரால் சிறுவர் குற்றம் பெருகத்தான் செய்யும்.

4. போராலும், உள்நாட்டுக் குழப்பத்தாலும் அமைதியும், நிம்மதியும் குன்றிய நாட்டில் சிறுவர் குற்றம் அதிகரிக்க சந்தர்ப்பம் அதிகம் உண்டு. வறுமையும், கூடாத் தீய நட்பும் சிறுவர் குற்றத்திற்கு ஏற்றந்தரும் வாய்ப்புகள். ஒழுக்கக் குறைவு, கட்டுப்பாடு இன்மை, பெற்ருேரை அவமதித்தல், இலகுவில் பணந்தேட விரும்புதல் போன்ற நடத்தைகள் சிறுவர் குற்றத்திற்குத் தூண்டுகோல். ஆபாசத் திரைப்படங்களும், பொல்லாத புத்தகங்களும் ஓரளவு சிறுவர் குற்றத்திற்கு ஒத்தாசை புரிகின்றன. தவிர தனது ஓய்வு நேரங்களைக் கழிக்கப் போதிய பொழுதுபோக்கு வசதியின்மையால் சோம்பல் வாழ்க்கையில் சிறுவர் ஈடுபடுகின்றனர். சோம்பல் தானுகவே பேய்க்குணத்தை உண்டுபண்ணுகிறது. பொதுவாய் இதுவரை குறிப்பிட்ட காரணங்களின் விளைவே "சிறுவர் குற்றம்".

5. இவ்விதம் சந்தர்ப்ப சூழ்நிலை வசத்தால் சிறுவர் குற்றக்குணம் படைத்து, நாளடைவில் கட்டுப்பாடு இன்றி வளர்ந்து, பெருங்குற்றவாளிகளாய் மாறிவிடக்கூடாது. அதைப் பொதுநலம் பேணும் அரசாங்கமும், நாட்டின் நல்வாழ்வு நாடும் பொதுமக்களும், குடும்பத்தின் புகழ் தேடும் பெற்ருேரும் கவனித்துத் தடுத்தல் வேண்டும். பொதுமக்கள் சமூக நலச் சங்கங்கள் ஏற்படுத்தி சிறுவர் நல்வழி தவருது நடக்கக் கற்றுக் கொடுத்து வருகின்றனர். பெற்ருேரும் தங்களது செல்வச் சிறார்களைத் தக்க கல்வியும், பயிற்சியும் அளித்து வருகின்றனர்.

6. அதேபோல் மக்களாட்சி அரசாங்கமும் சில பல முறைகளைக் கையாண்டு சிறுவர் குற்றத்தைத் தடுத்து வருகின்றது. சிறு பிழை புரியும் சிறுவர் திருந்த வழியும், வாய்ப்பும் நல்க வேண்டும் என்பதற்காகவே அத்தகைய இளங்குற்றவாளிகளைப் பொதுச்சிறைச் சாலையில் அடைத்து வைப்பதில்லை. காரணம் சிறைச்சாலையில் அடைத்தால் அங்கிருக்கும் பெருங்குற்றவாளிகளின் தொடர்பால் சீர்திருந்தும் எண்ணமுள்ள சிறுவர்களும் சீரழிந்து விடுவார்கள். இதற்கெனவே நமது அரசாங்கம் சென்னைச் சிறுவர் சட்டம், சென்னை புதுக் குற்றவாளிகள் சட்டம் போன்ற சட்டதிட்டங்களை நிறைவேற்றியுள்ளது. இவற்ருல் குற்றம் புரிந்த சிறுவர் அரசாங்க அங்கீகாரம் பெற்ற பள்ளிகளில் சேர்க்கப்பட்டு தக்கபடிப்பும் பயிற்சியும் அளிக்கப்படுகின்றனர். சிறு கைத்தொழிலும் அவர்களுக்கு கற்றுக்கொடுக்கப்படுகின்றது. அதன்பயனுய் இளங்

குற்றவாளிகள் நன்மை அடைந்து நல் வாழ்வு பெறுகின்றனர்.

7. நம் நாட்டில் பொதுநல ஆட்சியில் போலீசார் பணி பெரிது. குற்றங்கள் நடக்காமல் தடுப்பதும், நடந்த குற்றங்களைக் கண்டுபிடிப்பதும் போலீசாரின் முக்கிய கடமை. எனவே சிறுவர் குற்றமும் போலீசார் கண்காணிப்பிற்கு விலக்கல்ல. ஆனால் கண்காணிக்கும் விதந்தான் வேறு. பிழை புரியும் சிறுவர்களை அவர்களுக்கென நியமிக்கப்பட்டிருக்கும் நீதிமன்றத்தின் விசாரணை நடத்தி அங்கே தீர்ப்பானபடி அரசாங்க அங்கீகாரம் பெற்ற பள்ளிகளில் சேர்த்துத் திருந்துதற்கு ஒத்தாசை புரிகின்றனர், போலீசார். ஒரு சிறு குற்றம் புரிந்து அதன் காரணமாய் அப்பள்ளியில் பயின்றவர்கட்கு வாழ்வில் முன்னேற யாதொரு தடையுமில்லை. உதாரணமாக அத்தகைய பள்ளி ஒன்றில் இருந்து படித்து வெளிவந்த பெங்களூர்காரர் ஒருவர் தற்போது பட்டாளத்தில் "லெப்டனன்ட் கர்னல்" என்ற பெரும் பதவியில் இருக்கிறார்.

8. பொதுவாய்க் கிராமங்களைவிட நகரங்களிலேயே சிறுவர் குற்றம் அதிகரித்துள்ளது. எனவே குற்றக் குணம் படைத்தவர்கள், சோம்பலாய்த் திரிபவர்கள், தீய வழியில் செல்லாது, நல்ல பயிற்சியும், பொழுதுபோக்கும் பெற நகரங்களில் "சிறுவர் மன்றங்களை" (Boys Clubs) போலீசார் நிறுவி வருகின்றனர். இவ்வித மன்றங்கள் ஏற்கனவே இங்கிலாந்து, அமெரிக்கா, ஆஸ்திரேலியா, நியூ சவுத் வேல்ஸ் முதலிய நாடுகளில் பெரும் வெற்றிபெற்றுள்ளன. குறிப்பாக நியூ சவுத் வேல்ஸ் என்ற நாட்டில் இத்தகைய சிறுவர் மன்றங்களால் சிறுவர் குற்றம் நாற்பது சத விகிதம் குறைந்திருப்பதாய் அறிவிக்கப்பட்டுள்ளது. நம் நாட்டிலும் முதன்முதலில் இந்தச் சிறுவர் மன்றங்கள் இமாசலப் பிரதேசத்தில் நிறுவப்பட்டன. பின்னர் மற்ற மாகாணங்களும் பின்பற்றின. தற்போது நமது சென்னை ராஜ்யத்திலும் ஒவ்வொரு மாவட்டத் தலைநகரிலும் சிறுவர் மன்றம் நிறுவப்பட்டுள்ளது. அம் மன்றங்கள் அரும்பணியாற்றி வருகின்றன. வசதியற்ற சிறுவர்களுக்கு நல்ல வழியில் பொழுதுபோக்கு விளையாட்டுக் கருவிகளும், புத்தகசாலைகளும் ஏற்பாடு செய்யப்பட்டுள்ளன. வீண் சோம்பல் இல்லாது சுறுசுறுப்பாய்ச் சிறுவர்கள் இனிது தங்கள் ஓய்வு நேரத்தைக் கழிக்கின்றனர். இத்தகைய சிறந்த ஏற்பாடுகளைச் செய்து நல்வழி வகுத்து கொடுப்பதால் அச்சிறுவர்கள் யாவரும் திருந்தி சிறப்புறுவதுடன் "உங்கள் நண்பனை" போலீசாரைத் தங்கள் நண்பனாகவும் கருதுகின்றனர்.

9. சமீபத்தில் பஞ்சாபில் அமிர்தசரஸ் என்ற ஊரில் எடுத்த கணக்குப்படி 3½ லட்சம் மக்கள் தொகையில் 10 ஆயிரம் இளங் குற்றவாளிகள் இருப்பதாய் குறித்துள்ளனர். எனவே இச்சிறுவர் குற்றப் பிரச்னை அவசியம் அனைவரும் கவனிக்க வேண்டிய ஒன்றே. தனது "இளங் குற்றவாளி" என்ற புத்தகத்தில் ஆசிரியர் திரு. சிரில் பர்ட், "சிறுவர் குற்றம் போலீசாராலோ அல்லது சிறுவர் நீதிமன்றத்தாலோ மட்டும் நடவடிக்கை எடுத்துத் தடுக்கக்கூடிய தனிப்பட்ட திண்ணமான ஒரு தவறல்ல. அது சமூக நல சேவையாலும் பலவகை தவிர்க்கக்கூடியது" என்கிறார். அதனால் போலீசாருடன் சமூக நல சேவை சங்கங்களும், பொதுமக்களும் ஒத்துழைத்தால் குற்றக்குணம் படைத்த சிறுவர் சீர்திருந்தி வருங்கால இந்தியாவின் ஆக்க வீரர்களாய்த் திகழ்வார்கள். ஒருவர்க்கு முடிவைத்தரும் பகை குற்றமேயாகும். ஆகவே குற்றத்தை அவரிடம் வராமல் தடுக்க வேண்டும்.

"குற்றமே காக்க பொருளாகக் குற்றமே
அற்றந் தருஉம் பகை" என்பது குறள்,

எனவே அதனை உணர்ந்து நாம் சிறுவர் குற்றம் தவிர்க்க முயல்வோமாக.

SOME THOUGHTS ON THE POLICE CULTURAL MEET, 1961

BY

SRI K. G. NARAYANASWAMI, B.A.,

(Dy. Superintendent of Police, Research Centre, C.I.D., Madras)

It is highly embarrassing to play the role of critic particularly when the criticism has to be directed against those who are bound to you by intimate official ties. Actually what I am embarking on is self-criticism, as I form an integral part of the subject of criticism. This is a recognised mode of warding off complacence, enabling one to avoid the pitfalls that bar the road to progress. It is an operation which causes pain and confusion in the beginning but provides health and happiness in the end. The sooner it is performed the better for any delay leads to degeneration and decay. Let us exclaim in the language of Mao Tsc Tung "Let a hundred flowers bloom, Let a hundred schools contend," but with this difference that we really mean it.

Our self-satisfaction in the Cultural Meet arises from two factors. The first is that we are able to collect a crowd which is expressive of popularity. This is a mirage and may be due to the curiosity of the people to find out how the minions of the law handle the fine arts. In other words, the public would like to see the wielder of the latti operating on the flute or the Nadaswaram, or the official who makes ignorant persons dance to his tune, perform the art himself to the accompaniment of the clarionet, the cymbal and the Mridangam. The second reason is that we see too much in the so-called expert's opinions, expressed during a mood of expansiveness. The connoisseur or the *maestro*, who is importuned to judge our items along with lay people proficient in the arts uses a double standard, one for amateurish efforts and the other for professionals and the eulogy emanating from them is a reflection of their large-heartedness rather than a correct summation of our capabilities. In the sportsman's language, they give a large handicap to the Police participants so that the latter's performances may be set against recognised standards. They may not admit it in order not to wound our susceptibilities but our achievements in the recent cultural meet should make this clear to us. The drama and the dance items did not set any standard; on the other hand they were pedestrian and sometimes perplexing. Let us analyse some of the common defects.

A drama is not a mere shifting of scenes in quick succession, as in a film. It should have a story which means a good plot. The characters should express the depths of their feelings, be it one of the Navarasas of Indian dramaturgy by appropriate facial expressions, gestures and speech and not by ranting and tearing speeches alone. A lifting of the eyebrows, a loosening of the jaws, lachrymose eyes, rise and fall of the Adam's apple or a quivering of a moustaches may sometimes be enough to reveal the required feeling. A quicker delivery or recitation of speeches or songs is not a recipe for raising the tempo of the play. Sometimes it may cover only the unsubstantiality of the language of the drama. The atmosphere suitable to the occasion should be created by the conversations between the actors and not by the perpetual movement of the curtains. The main or front curtain, when once its goes up should come down only when the play is finished. Entrance from the auditorium to the

green room or the aisles through the stage should not be countenanced. The mike should be so arranged as to catch the speeches correctly but not to impede the vision of the audience. Lastly the play-back music which is so characteristic of the films, should have scarcely any place in a drama.

Let us measure some of the plays produced on the stage with these standards. The play which secured the first prize used the front curtain for changes of scenes, which were so rapid and so numerous, that the technique followed appeared to be that of the cinema and not of the drama. The characters looked their parts. This is a tribute to the make-up man's art but the kind of phantasy which a good drama should create by transporting one to the period, time and atmosphere of the play was absent. A person does not go to a drama to see the prosaic photograph of actual life but a dramatic or romantic version of it. The audience should forget themselves and their surroundings while witnessing a play. This drama evoked no such response and never transported any one to a realm other than the surroundings. There is difference between a drama and a burlesque. The latter need not pay consideration to the unities of time and place. Its main business is to parody or sneer at certain conventions or habits. But a play should plumb the depths of human feelings and transmit to the viewer, who may laugh, shed a few tears or get angry according to the moods of the characters. These enable the audience to get releases sometimes from their pent-up emotions and make them appear relaxed. In this respect, the drama put on boards by the Southern Range was superior to the prize-winning one but not topical enough to steal the honours. It used the front curtain in the traditional manner. The scenes followed in quick succession though there were too many of them symptomatic of the film art. The acting was fairly satisfactory, though the suspense situations giving vigor to the play appeared to be contrived and therefore stilted. The amateur play-wrights obviously, who wrote the plays and the dialogues in these two instances displayed culpable ignorance of the dramatic art by modelling their production on films. A good drama should leave many things unsaid in order to alert and agitate the imaginative and inferential powers of the audience. With regard to the other dramas, it can be said in the words of Macaulay "Eclipse is first and the rest no-where." The Police drama as a whole lacked good themes, proper direction, appropriate stage-craft and restrained acting. This is not to find fault with the judges, who had a difficult task and who evaluated the merits without bias or favour.

Coming to the dances, most of them fell under the classification of folk dances. There seems to be an impression current among the generality of people that any body-contortions or trippings, set to music in the language of the lower classes could come under this head. Though the folk dances were evolved out of the spontaneous and virile expressions of the feelings of a particular tribe or class of people in the course of their lives, they have stylized themselves by the lapse of time and given rise to certain conventions. The Kuravanji, Kavadi-attam and Karagam are examples. This does not mean that new dances cannot be evolved but that they should conform to basic principles of Mudras etc. in the Natyasastra. A Kuravanji is primarily the dance of an itinerating tribe with which Police are very familiar, but very few persons can claim knowledge of the requirements in putting on boards a Kuravanji dance —the types, of Kingly hero, the love sick heroine, the fortune-telling Korathi or the muddled Korava that have to figure in it. If the Police are to make up a dance sequence of this tribe paying scant attention to conventions, they would be doing great injury to an art, which has been preserved for centuries. But after seeing some of the dances in the Cultural Meet, one is tempted to ask, whether we are interested in keeping the pristine purity of the art or popularising cheap hybridisations.

The prize-winning dance of the Nagas exhibited clever foot work and efficient

choreography. It is apparent that vigorous training has gone into this production. But the question is whether we havel ooked into the historical verisimilitude of Naga dance performed on the steppes of Assam. The first thing is the dress. The Naga warrior on gala days wears a cane helmet which is sometimes covered with tiger or leopard skin. It bears a brass disc in front, and thin crescents of buffalo horn tipped with red hair are fastened to it. He also wears a red and yellow painted structure made of thin lath on the helmet, which rises at least 2 feet above the peak of the helmet. This looks like a pair of horns. From the sides hang solid wooden discs decorated, with red seeds, with the wings of the green beetle and with pendants of hair which also fringe the helmet at the back. The most curious ornament on these occasions is the caudal appendage with its curve upwards and a long hair fringe. Indeed three tails are sometimes worn. The 'tail' serves a useful purpose for it has space hollowed out in which 'panjis' (sharpened bamboo spikes) are kept by the warriors. Handsome white plumes are worn and attached to the shield. The ankle calves are covered by leggings which hide the black ring of cane which all wear round the knee. Another dance dress of the Nagas consists of a Kilt shaped piece of red cloth round the loins. A Scotch wool cravat of gay colours is worn as a scarf round the waist. Garters of white cloth with worked spots are also commonly worn. Tinsel ornaments and long feathers are worn on the head and a favourite ornament with the men only is a broad gaily coloured natural butterfly's wing attached to and spreading winglike from each ear. In their dances the men carry daos with the handles ornamented with coloured bamboo strips and occasionally spears. These are twirled round in the hand in unison with the music. Two types of shields are found among these tribes, the long oblong shield sometimes curved at the top and the round buckler.

When a new dance is introduced to the public, research has to be conducted into the habits of the people who are connected with it, their modes of dress, weapons of offence, arrangement of coiffure and ornaments. The representation should be true to type. We do not exhibit mythological Gods in jack boots and top hats. The younger generation who witness the show should get an idea of the set-up in those distant lands in its true perspective. The real Naga Dance, which bears a resemblance to the one performed on the stage is as follows: In this, the men engage two and two abreast in a circle, which moves round at first all together; step is a single step forward, followed by a pause in the stopping position, a sort of goose-step everyone shouting ho! ho! ho! In the latter part of the dance the circle divides into two and go round, one within the other in opposite directions; the circle again forms as before, and they meet in the centre and indulge in hoeys in quick time finishing up with howls. It is said that the Nagas carry on this dance for days with scarcely an interval for repose or refreshment. It means that the external world is forgotten by them in this rhythmic dance. When the prize-winning dance itself did not conform to conventions, it is no wonder that the others were far behind in standards.

The only satisfactory feature of the meet was the music items. It is not that they rose to professional heights, but barring a few, a certain uniformly high standard was maintained by the singers. But this was due to the continued presence of half-a-dozen experienced artists who competed for most of the items.

The exhibition was really an eye-opener to the talents within the families of the Police force. But it would be advantageous to give serial numbers to the exhibits without disclosing the name of the artists at the time of judging, so that the barest suspicion of a subconscious influence could be avoided. Another suggestion would be to have the meets go round the Range Headquarters instead of confining it to Madras city only.

JUVENILES, THE POTENTIAL WEALTH OF THE COUNTRY

BY

SRI A. V. SRINIVASAN, B. Sc., B.L.,

(*Inspector of Police, Juvenile Unit, Madras*)

"Child is the father of man" so goes the adage. The children of to-day are the citizens of tomorrow. The wealth of a country depends on the quality of the human material and especially of the rising generation. Our Prime Minister whose solicitude for the welfare of the children is well-known, is ever fond of describing them as the varied flowers in the garden of India. The celebration of the Prime Minister's birthday on 14th November as "Children's Day" all over India is an indication of his abundant love for the children.

The word "Juvenile" figures prominently in the police records. The Children's Act defines "child" as a boy or girl aged under 14 years and "a young person" as one aged above 14 and below 18 years. "Juvenile" in the police and court parlance includes "child" and "young person."

The word "delinquency" is ordinarily applied to a juvenile as distinct from "crime" used in relation to an adult. In other words, an act, which amounts to a crime if done by an adult, amounts to delinquency if done by a juvenile.

The twin problems of juvenile delinquency and juvenile destitution are of recent origin, at least in India. They have, of late, assumed rather alarming proportions in tune with the rapid industrialization and urbanization and all the concomitant evils that go with them like development of slums. break-up of families, neglect of children and increase in prostitution. The gravitation of population from villages towards the cities has led to the slow but sure disintegration of the joint families, now becoming memories of the past, which had provided the umbrella of protection to all the children in the joint family, including orphans and children of the diseased, disabled and unemployed members.

It is said that a criminal is not born but made. A child may be born good, but on account of continued neglect, emotional imbalance, broken home, or environmental influence may get on the wrong side of law and come into collision with the law-enforcement authorities. Hence there are special provisions of law which clothe the juveniles with the mantle of protection and penalize their exploitation. To cite a few instances:

(1) Like the King, a child under 7 years of age can do no wrong (Section 82, I.P.C.)

(2) A child above 7 and under 12 years of age can commit no offence, if he or she has not attained sufficient maturity of understanding (Section 83, I.P.C.)

(3) A person under 21 years of age may get the benefit of lenient treatment provided by law for first offenders for any offence not punishable with death or imprisonment for life (Sec. 562, Cr. P.C.)

(4) When a person under 21 years of age is found guilty of an offence punishable with imprisonment, he

shall not be sentenced to imprisonment but shall be released after admonition or on probation of good conduct except in some special cases (Section 6—Probation of Offenders Act, Central Act XX of 1958)

(5) Juveniles should be tried only by the Juvenile Courts wherever constituted, and, where there is no such court, the Magistrate has to try the juveniles in a different building or in a separate room—not in the court-hall (Section 36, Madras Children Act).

(6) A juvenile shall not be sentenced to death or imprisonment or committed to prison in default of payment of fine (Section 22, Madras Children Act).

(7) Special penalty is provided for exploitation of children (Sec. 36-A to 36-I, Madras Children Act.)

(8) There is a special enactment for the punishment of offenders kidnapping or maiming children for begging (Section 363-A, I.P.C.)

(9) Buying, or taking any article as a pawn from a child is an offence (Section 66, City Police Act).

(10) Youthful offenders and adolescent offenders (*i.e.* those below 18 and 21 years of age respectively at the time of conviction) shall not be victimised by any disqualification which a conviction normally carries (Section 39, Madras Children Act, and Section 22, the Madras Borstal Schools Act.)

(11) The name, address and particulars of identification of a youthful offender should not be disclosed in any report, and, the picture should not be published, in any newspaper or magazine. (Sec. 39-D, Madras Children Act.)

(12) A juvenile should not be confined in a Police lock-up or sub-jail during investigation by the Police or trial (Rule 5-A, Children Act).

(13) Police officers escorting juveniles should be in plain clothes. (Rule 6, Madras Children Act.)

(14) No juvenile shall be hand-cuffed. (Rule 6, Madras Children Act.)

There are several good institutions in the State, managed by the Government as well as by non-official agencies, devoted to the physical, mental and moral rehabilitation of the juvenile destitutes, derelicts and delinquents. Needless to say the children require sympathetic handling by men and women dedicated to the service of the "varied flowers in the garden of India." Money spent wisely on the rehabilitation of juveniles is sound investment which ultimately pays rich dividends. For, the juveniles are the potential wealth of the country.

CRIMINAL LAW

BY

Sri V. L. PARTHASARATHY,
(*Inspector, of Police, Special Branch, C.I.D., Madras*)

"A study of Criminal Law is of the highest importance to every citizen for the reason that it brings to him a knowledge of the rules which ensure social order and security by seeking to repress the disruptive forces that endanger the existence of human society."

Crime, the dictionary tells us, is a sin, an offence, an act punishable by law. In its modern sense Crime has become to denote an anti-social act. The term crime itself is derived in two ways: from Latin word meaning "to accuse" and from the Sanskrit word meaning 'to do'. Crime, therefore, means 'an accusable act;' and it is this import that is retained in law. An Act to be accusable must offend somebody; and it must affect both objectively and adversely. It must also affect a human being, either directly or indirectly. An act generally cannot be regarded as Crime if it affects only the doer.

Crime is commonly defined as an act of Commission or omission that is made punishable by law. It is also defined as an act causing injury or harm objectively to some body, indirectly or directly. Another definition of crime is given as 'an act done in violation of the law, an act of either commission or omission for which the offender has to pay penalty to the community of which he or she is a member. Late Prof. Kenny said: "Crimes are wrongs whose sanction is punitive and are in no way remissible by any private person, but are remissible by the Crown alone, if remissible at all." The French Criminal Code states: "It is an offence to do what is forbidden or not to do what is ordered by the laws, the object of which is the maintenance of social order and public tranquility. "A more detailed definition is to be found in Ratanlal." A Crime is an Act of commission or omission contrary to municipal law tending to the prejudice of the community for which punishment can be inflicted as the result of judicial proceedings taken in the name of the State." Ordinarily, it is suffice to hold that crimes are acts which are harmful to the welfare of the community and for that reason are made punishable.

Law, in its turn, means any rule of conduct enforced by the State. It is a convention we adopt for the convenience of what we consider a well regulated society. Dr. Salmond says, "The law may be defined as the body of principles recognised and applied by the State in the administration of justice." In other words, law consists of rules recognised and acted on by Courts of Justice.

In primitive times, the community found a common action to protect itself from injury by its own members as opposed to war—an action against external enemies. The need for group action seems to have occasioned mainly from fear of vengeance which may be of two kinds: one, the ever-present but invisible personalities and the other, definitely personal. In early societies the only fear from which the community concerned itself is the wrath that lay in the violation of tribal taboos. The woman who is unlucky enough to bear twins may be quite innocent, but one of these twins is definitely a devil—who can say which? All the three, therefore, must be eliminated in order that the community may be saved: Frazer gives

many other instances of primitive fears of the murderers influence. The akikuyus of British East Africa fear a dangerous and possibly fatal pollution if a murderer is allowed to eat and sleep in their hut. Any one who sleeps on a skin on which the unfortunate has slept may contact the evil! There is a common but firm belief among some North American Indians that a murderer is always surrounded by whistling ghosts and therefore must not roam about lest high winds rise! The fear of supernatural vengeance is so great that we find traces of it extending to the European civilisation; and much of the greatest of Greek literature bears evidence to this.

The personal vengeance lies in the belief that deaths are attributed to sorcery—magic was then universally acknowledged and medicine unknown—and therefore must be avenged.

The modern penal system owes its origin to these common actions of the primitive community, though they are of various kinds and may not strictly be justiciable according to the present day standard.

The three main ranges of sanction of these primitive rules are: religion, manners and law. But, what is regarded as religious wrong at one time turns out to be bad manners and still later, a capital offence, as in the case of duelling. The single combat for settling a private issue was once sanctioned and even ordained under the Civil Law. But, it is now denounced as barbarous and is an offence against the State. Thus it is seen that the same action is upheld and condemned by each of the three forms of communal sanction.

The transformation from self-help to the community rule though gradual and often overlapping would fall under four main phases: (1) Private vengeance, (2) Voluntary compensation for crime, (3) tariff of legal compensation and (4) repression of crime by the State,

In the 'bad old' days every man carried his life in his hand in fear of being attacked at any moment; and there was none else to protect him. He could safeguard himself and his property only by retaliating which generally ended in the killing of one or the other. Even crimes such as murder, theft etc., were regarded as private wrongs, the remedy lying between the two affected parties.

The code of Hammurabai compiled in Babylonia some 4,000 years ago, while referring to murder is unhappily silent about the penalties. Mr. Cliperic Edward writes: "It is pretty certain that in Babylonia wilful homicide was a family matter with which the judicature was not allowed to interfere." Amongst one Bantu tribe, it is stated that 'blood cases' were formally settled by the kin and not referred to the tribal judgment. According to the Jewish law, if a man deliberately kills another with proved previous intention, it is the duty of the 'revenger of blood' to kill him. The private execution of revenge was not outlawed in principle in Rome until the end of the Republic and even to this day survives in the form of duelling in Europe.

Then came the period of 'limited vengeance' conforming to the Biblical formula 'an eye for an eye, a tooth for a tooth'. In this, the dealings between man and man were reduced to a certain degree of restraint and sense of proportion, though it should be admitted that violence was by no means eschewed. These eventually gave birth to the 'Vendetta' in Corsica and blood fued among the Pathans.

A progress was made in later years in the offended person agreeing to a compensation instead of enforcing his rights to deal with the offender's person. Much favoured, this system soon developed until a regular scale of compensation was fixed for each of the ordinary offences.

The decree of King Ethelbert, probably the earliest English Code drawn up before AD 605

is greatly concerned with the question of compensation or retribution. King Ine of Wessex following the example of Kent enacted some hundred years later laws in which the racial feeling is manifest. The compensation for the death of a Welshman was only half that of Saxon. By the laws of Alfred in the ninth century, the fine for violence offered to a nun was twice that for an ordinary woman. Amongst the Frisians, a noble's life was worth 80 shillings, a freeman's 53 shillings plus one penny and a serf's 27 shillings less one penny. It is curious to note that a noble was worth the same as a freeman and a serf put together.

In the Anglo-Saxon society of pre-Norman conquest, the offender had to pay three kind of fines the 'wer', as a price of the victims according to his social rank and position; the 'bot' a compensation for the relatives; and the 'wite', a fee to the King. But, these payments were in grave cases only and applicable to first offences. On a second occasion there was no bot, but the head.

The way to direct prosecution of the criminal by the state was made possible by the 'theory of King's peace'. Originally, the idea was that the king had a right to proceed against any subject who disturbed peace within a radius of three miles of wherever he was staying or residing. After the conquest, this area extended to the farthest limits of the kingdom. The king also claimed the right to punish all offences. In the reign of Henry III, a statute was passed whereby it was made a fineable offence to exact revenge or levy compensation without intervention of a Court of Law. Thus, the state strengthened its control over the crime. In the result, the victim was saved the danger of a duel for the king could not be challenged.

Criminal law as is now understood is the one which enunciates, tries and punishes a doer of crimes—acts of commission or omission which inflict definite evil on individuals or on the whole community. It includes the rules as to the prevention, investigation, prosecution and punishment of crimes. It also lays down what are the offences and what proofs are required to establish them.

Men being what they are, each bent upon feathering his own 'nest', society can hardly exist without the protection of the State and ordered life will be impossible without the existence, recognition and enforcement of certain rules of conduct, namely, law. Law is necessary for security, order and civilisation and study of it, thus important, although in every civilised society such rules of conduct might—and do—vary.

THENNAMARI DACOITY CASE

BY

SRI J. E. SAMUEL, B.A.
(*Inspector of Police, Arantangi, Thanjavur Dt.*)

Arantangi Circle in Thanjavur district has a vast jurisdiction and the villages are inaccessible. Mimisal station is 22 miles away from Arantangi with a long coast line. The station limits border Ramanathapuram district. It was hardly a few days after I joined at Arantangi when on 26-1-59 night a case of house dacoity with murder was reported at Mimisal station in Cr. No. 12/59, Section 396, I.P.C. The value of properties stolen was Rs. 2,285 and there was no clue.

I returned, from villages, which I had been visiting, to Mimisal police station in the night when the F.I.R. was given to me. I continued my way to the village about 12 miles in a double bullock cart. I reached the village in the night itself. First I separated the blood stained clothes of the deceased and kept them. There was no information about the culprits.

My enquiries revealed that one Muhamud Meeran Rowthar returned from Ceylon with heavy cash and was staying with his young wife in one block of the house at Thennamari a lonely village with few houses scattered around. He was sleeping with his wife in the eastern portion of his residence with a small bed-room-light burning. In the western portion of the house his relatives were sleeping. The eastern part of the house had a front entrance covered by two doors which were not bolted or locked. After midnight on 25th January 1959 (the night after full moon), a number of robbers knocked at the door and ordered the complainant to open the door on threat of grave violence to him but he resisted by pressing against the doors while the robbers from outside applied force by dashing grinding stone and tried to force open the door. In this struggle he sustained an injury and his right ring finger was severed. The robbers succeeded in forcing an entrance and being armed with aruval and vel stick caused him injuries. The complainant was greatly frightened and ascended the loft and jumped inside the western portion but the robbers intruded there also and caused injuries to inmates. One Shahul Hameed, a relative of the complainant, whose house is a little distance away came to the scene on hearing the disturbance. There was a scuffle between him and some of the robbers waiting outside. Shahul Hameed ultimately succumbed to injuries sustained at the hands of the robbers. Under threat of violence the complainant and his relatives surrendered articles and then the robbers searched and carried away other articles. The gold chain and karugamanies worn by the wife of the complainant were snatched away. It was only after the robbers had left that the complainant and his relatives and other villagers gathered and found that Shahul Hameed had died.

Such a gruesome murder was not known in the area for years and the security of the people was threatened. All villagers from a radius of about 10 miles gathered and assisted me during the investigation of the case.

The Deputy Superintendent of Police, Pattukkottai came to the scene. A police dog was also sent for. There was no suspicion on anyone. I felt the criminals of Ramanathapuram district should have done it. The police dog was left on the track. After smelling the blood stained clothes of the deceased, the

police dog dashed across the fields, river bed, roads etc. and reached the village Kogudi in Ramanathapuram district about 14 miles away at dusk and pointed out one Seeni. Seeni denied any knowledge of the offence but there was one Rayar Ambalam who was a terror to the villagers nearby. He is an exconvict with previous convictions but he had the support of a lawyer at Devakottai with whose help he was getting out of cases against him in courts.

Rayar Ambalam was arrested with great difficulty while taking shelter in his father-in-law's house at Yenathi village. His associates Thanikilas and others were arrested while they were in Periyakottai forest after surrounding the forest area with a police party and the villagers. They were questioned tactfully and on the confession of Rayar Ambalam, properties were recovered from the village of Kongudi and at Devakottai. On the confession of Thanikilas, the dry river bed of Pambar was dug out and many of the stolen articles were recovered. Two other accused were arrested and stolen properties concerned in this case recovered. All the articles seized were identified by the complainant. The complainant also identified the accused as the persons who had attacked them.

Rayar Ambalam was convicted to 10 years' R.I., Thanikilas was convicted to 7 years' R.I. Dorairaj and Somalai were convicted to three years' R.I. each by the Sessions Judge, Thanjavur West in S.C. No. 30/59 on 20–7–59. The conviction and sentence was confirmed by the High Court, Madras in Criminal Appeal Nos. 549 to 552/59 on 15–12–60 except the sentence of Thanikilas. He was ordered to be detained in Borstal School for 4 years under section 8 of the Act in lieu of the sentence.

THE QUALITIES OF A GOOD CONSTABLE

BY

INSPECTOR E. O'BALLANCE

(British Transport Commission Police.)

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WE ARE OCCASIONALLY refreshed by a lecture or an article on "Leadership" by some distinguished personage who has been an outstanding success in his particular walk of life, who recites and discusses the essential qualities a leader should possess. To the few who aspire to similar heights or to positions of command they are undoubtedly stimulating, but to the large majority, especially those in the lower ranks of the Police Service, they are at the best merely of passing academic interest, for the very simple reason that most are constables and will probably remain so for the remainder of their service. They have either given up reaching for the stars, or have never tried.

To cater for the majority, by way of a change, let us consider, instead of the lofty qualities required by a successful leader, the qualities required by a successful constable. If he is, or aspires to be, a good constable, is interested in his work and prides himself on his efficiency, he should have, or should develop, a number of essential qualities which will enable him to carry out his task more easily and smoothly.

For many years relations between police and public have been the deep concern of experienced officers of all ranks, and still are. It is perhaps the younger constable, who,. not realising the full significance or necessity for them, in his initial outburst of enthusiasm, either overlooks this aspect or tends to treat it as an academic dead letter, hoping that his efficiency, confidence and drive will enable him to steamroller his way through his work. The feelings of other people do not concern young men very much, as they are usually wrapped up in themselves and their own affairs. It is the passing years which slowly bring home to them the fact that it is very wise and necessary to consider the susceptibilities of others.

Unlike the police of some foreign countries, we have no power except in very special circumstances to "order" the public about, and we have to do our job, maintain order and control crowds by persuasion. To be able to persuade people we must have their willing co-operation, and how much we get depends upon every member of every force.

The attitude towards the British Police by the people of this country varies considerably, being influenced by their prejudices, motives, fears, views on particular laws and their own interests. At one end of the scale, whenever there is a nasty, sexual murder of a child, the public is 100 per cent. with us, whilst at the other extreme, in the case of a trifling motoring offence, or a small contravention of the licensing or betting laws, they are probably 100 per cent. against us, either actively or passively. Everything else fits in somewhere between.

Much depends upon the personal qualities of the young constable—his many daily contacts with the public improve or lessen the amount of co-operation we get.

It is not given to all men to be endowed with a charming, magnetic and dynamic personality, which automatically causes people to fall under their spell and slavishly do as they are asked without question. It is an overstatement to say that such creatures are rare. Practically all constables are average men (and women) who have inherently many good qualities either obvious or latent.

I am listing below some which can be considered to be amongst those which are essential to enable a constable to function smoothly and efficiently, although opinions may vary, as to their relative priority. All constables have them to some degree or another, and it is really more a matter of recognizing the qualities individually, and developing those which are possessed in only small measure. There are, of course, other necessary and desirable qualities.

1. Good Temper :

This is perhaps the first and foremost essential to make a good constable. It is frequently said that the worst crime a constable can commit is to lose his temper. When the temper is lost, self-control is lost, and things are said and done which under normal circumstances would not be said or done, and which inevitably result in sorrow or apprehension. Bad temper, like drink, clouds part of the brain, and controls habitually exercised are relaxed. Perhaps "even temper" would be a better expression, as a constable, of all people, must not relax his self-control.

Bad temper is infectious, and begets bad temper. Watch the smile fade from a person's face when a curt, angry answer is given. Most constables have average temperaments, but the best of them at times are tempted to let their feelings get the better of them.

When all is well and we are at peace with the world, it is easy to be good-tempered and pleasant, but when we have been asked the same tedious, obvious question a hundred times or more during the same shift ("Where's the football ground, Officer?") or when we are hot and tired, hungry and thirsty, or wet and cold, or when the traffic is all snarled up around us, or when a furious citizen is abusing us, it is more difficult. Self-control can be developed, but sometimes it is very hard to choke back hot words, yet it must be done. Some get into the habit of counting up to ten....

As bad temper is infectious, so equally is good temper, which is another good reason why it is so important. Haven't you ever had the irate motorist, who has just demanded your name and number, and the name and address of your chief constable, eating out of your hand a few minutes later?

2. Patience :

Perhaps the second most important quality a constable needs is patience. It is said that "patience is a virtue seldom found in woman, and never in man," but we are not so sure. That it is a virtue, there can be no doubt ; all constables can develop it to a reasonable degree.

Young constables, flattering themselves that they are quick on the "up-take", find it irritating when they come into lengthy contact with those whose mental reflexes are slower than their own, such as young children, dull-witted persons, and those who are upset or distressed. It is necessary to slow down to their speed of thinking, and the young constable must early school himself to be patient and to control his impatience. The very human tendencies to snap or to give up, must be curbed. The disbelieving, the contrary, the sarcastic and the provocative types put the patience of the young constable to a stiff test. The story of Bruce and the spider should be an object lesson. Much successful and satisfying police work has been the result of patient plodding.

3. Calmness :

This is quality to which few give much thought, but it is an essential one for the successful constable. In all situations, no matter what the stresses and strains may be, he must remain calm, cool and collected. All eyes are

on him. What would the public think of a flustered, excited, gesticulating constable, who rushed wildly from place to place in a near hysterical condition?

The sight of blood may make the young constable feel faint, his latest "capture" may make him feel elated, a huge, aggressive character may make him feel apprehensive, or a provocative Teddy boy may make him hopping mad, but these feelings, strong though they are, must be concealed. He must remain calm at all costs, no matter how furiously his heart beats under his blue tunic, or how often his stomach turns a somersault, or that his Gall is rising. On occasions the effort is almost superhuman, but it must be made.

All look to the constable for a lead in any upset, incident or disorder, and his demeanour does much to encourage, quieten and impart confidence to those who are distressed, upset or annoyed, as well as to the bystanders. Excitability is infectious; a placid, imperturbable exterior is an essential.

4. Tact :

The quality of being tactful must be developed. There are a number of varying views as to what is tact. Some say it is the art of saying the right thing at the right time, whilst others insist that it is not saying the wrong thing at the wrong time. There are other versions, all probably correct. Perhaps it is true to say that tact is a medium, a way of getting something done.

The rules, if it is possible to formulate any, all seem to be negative ones, and begin with the word "don't". Some of them are: don't give smart answers, don't use sarcasm, don't make personal remarks, don't make malicious fun of people, don't be overbearing, and so on.

Tact seems to be the art of getting things done without ruffling feathers. It has been said that it is not so much what a person does, but the way in which he does it, and it is sometimes said of a certain person that he can "get away with murder." If that is so, policemen at least will agree that he must undoubtedly be tactful!

The individual who always "drops a brick," says the wrong thing, speaks without thinking; and puts his foot in it on every possible occasion or thoughtlessly tramples on everyone's pet corn, is considered to be tactless. Therefore, if the young constable will pause momentarily to think before he acts or speaks, he is well on the way to developing the quality of tact.

5. Conscientiousness :

Next, the constable must develop the quality of conscientiousness, which is a form of self-discipline. A constable must be thorough and see a job through right to the end, no matter how much effort, time and trouble it takes, even though when all is over and done with there is "no profit in it" for him. If he does not he can be relied upon neither by his superiors, his colleagues nor the public. A constable can find so many ways of shirking unpleasant, tiresome or unpalatable tasks, such as "not seeing" incidents, avoiding people suspected to have a complaint, or avoiding places where something might happen.

If the good quality of conscientiousness is formed early on in his service, the constable, once he has cultivated it, will have it with him for the rest of his life. Disgruntled officers might, and do, sneer at such painstaking thoroughness, but the young man who listens to bad counsels will not remain a good constable for long.

6. Courteousness :

Unconsciously, young people are thoughtless, brusque, abrupt and casual in their manner and speech. Young constables should recognise this fault and remedy it as soon as possible. It is said that "manners maketh man," which, like many old sayings, whilst not completely true, contains more than a grain of truth. Bad manners and boorishness upset people needlessly, and there is no excuse for them.

There is no need for fawning servility ; the common politeness which you would like to see extended to members of your own family is the standard that is required. It is said that politeness costs nothing and pays dividends, which is a truism. The simple " Good morning and Good afternoon " are examples of this.

It is also essential that this quality of courtesy remains with all conditions of men : for the dustman as well as for the duke.

7. Enthusiasm :

It is not always accepted that enthusiasm is a quality. The flash in the pan is certainly not, but constant enthusiasm is, especially in the face of depressing circumstances. The young constable must retain his enthusiasm, for once it is lost something goes out of his police work, and he will find that it suddenly becomes dull routine, often boring and occasionally distasteful.

Listening to older men who have become cynical, disappointed or embittered and are full of their own personal grievances against the Service and the world at large, who have a lot to say, the young constable may begin to wonder, and his keenness falters. Are they right, after all, he wonders? The scales drop from his eyes as the young, impressionable constable sees injustices, he cannot remedy, as he has to enforce unpopular legislation and as the encounters other disappointments and setbacks in his daily round.

It is so easy to become cynical and disillusioned. Only enthusiasm will prevent such a state of mind and it is a quality which must be developed and maintained. The alternatives are lack of interest, boredom, discontent and despondency.

8. Technical efficiency :

It will be noticed that I have left technical efficiency until last on this short list of the necessary qualities a constable should have, and this is because I think that whilst it is absolutely essential it is less likely to be overlooked than those just mentioned. I am well aware that without it no constable can do his work properly.

The young constable's technical efficiency is taken for granted, and he is helped and encouraged to improve and maintain it, with the vague threat of official displeasure hovering in the background if it falls off, but no one is prepared to take quite the same amount of trouble to improve his tact or his patience. So for that reason little need be said about it.

Conclusions :

There are other qualities, some essential, all desirable, that the young constable must develop, such as integrity, moral courage, dignity and smartness : the list is long. The others have just been listed, so that if weak points can be diagnosed the cure can be prescribed. It is largely a matter of self-analysis. Even "his best friends will not tell him." It is something he has to discover for himself.

Without thinking, the public experts an extraordinarily high standard from all constables, young or old, green or experienced, therefore, people are somewhat surprised when they come into contact with a bad-tempered, excited, sarcastic or cynical constable, just as they are pleased and impressed whenever they come into contact with one who is good-tempered, patient, calm, tactful, courteous and efficient.

A constable of the latter type " does his bit " dozens of times a day towards improving relations with the public, and raising the prestige of the Police Service as a whole. He is its best ambassador.

PERSONNEL MANAGEMENT—ARMED RESERVE

BY

SRI P. A. NARAYANASWAMY,
(Head Drill Instructor, Police Training College, Vellore.)

The Police Service of any nation forms an important structure of the Government whether it is democratic or totalitarian. The Armed Reserve itself forms an important limb in the body of the Police Service. The Public at large may not know much of the duties of the Armed Reserve and its organisation. In the pre-independent days the Armed Reserves were deployed for suppressing the non-violent, non-co-operation movement against the foreign rule. So what little the public knew about the Armed Reserve was not in anyway its good side of the picture. The public opinion about the Armed Reserve changed only recently when the Armed Reserves engaged in the Village development schemes and during the floods when they actively helped the public unmindful of their own personal safety and health.

The duties of the Armed Reserve after the advent of independence have increased considerably. The rapid industrialisation of the country, the visits of the V.I.Ps. etc. have increased the work in Armed Reserves as they are drafted for maintaining the Law and Order situation during the Industrial disputes in the case of the former and provide bandobusts, in the case of the latter. Besides, the frequent prohibition raids in which the Armed Reserves are invariably engaged have added to their normal duties. Technically, in terms of transport, in its equipment, there has been progress in the Armed Reserves. The progress, however, has been slow in the management of its personnel. An efficient Armed Reserve is a real asset to the District Police.

It has been agreed by one and all that the Police Service calls forth the best efforts of its personnel. If an Armed Reserve is to be maintained in a high state of efficiency, then it calls for sound leadership. " Leadership, " Field-Marshall Montgomery has defined, " is the capacity and will to rally the men to a common purpose and the character that inspires confidence."

Thus the Reserve Inspector who is in charge of the Armed Reserve must have the capacity to rally the men, besides he must have such a character that will inspire confidence among his men. He must be a man of high integrity. He cannot expect his constables and N.C.Os. to be honest and efficient unless he himself has those qualities. The constabulary should be made to do their work by goodt emper and kind treatment. He should never allow haughtiness to take possession of himself. Due to this he will be obstinate and where it is necessary to agree he will refuse useful suggestion. By frequent personal contacts, he should make himself well acquainted with the character and conduct of every man under his command. He must be firm and just and at the same time be kind and conciliating towards the men in his behaviour. His supervision over his men should be such that it does not discourage the initiative as too much supervision can easily discourage the initiative.

He could have discussion and exchange of views with his subordinates as they are usually stimulating and encouraging besides some useful suggestions may also be forthcoming from the subordinates out of their experience.

I can recount an incident in the year 1958 in Armed Reserve, Chingleput. The Armed Reserve men of the Chingleput District were guarding the sick prisoners in the General Hospital, Madras in the various wards. During a particular month there were a number of prisoner escapes. The Sergeant and Jemadar who were in charge of these men could not stop this inspite of their frequent checking of the constables who were guarding the prisoners nor could they suggest anything useful to arrest the escapees. The head constable and the other N.C.Os. who were actually deputing the men on duties were then consulted and the problem was discussed with them. They suggested that the period of sentry duty which was 3 hours should be restricted to 2 hours and the shift should be so arranged that a constable will guard a prisoner only for 2 hours in a day and then he will be shifted to another ward. The practice till then was 3 hours sentry duty and the same set of 4 constables were guarding the same prisoner for a week or till the prisoner was discharged, whichever was earlier. Due to this practice, the prisoner was getting into conversation with the constable on duty and he was able to get familiar with the constable and win his confidence. On the pretext of going to latrine in the early hours of the morning, when the constable never followed him and trusted that he would return to the Ward after answering calls of nature, the prisoner usually made good his escape. When the suggestion of the H.Cs. and the other N.C.Os. were implemented the escapes came to a stop immediately.

However trifling this incident may look, the lower ranks were alone able to give the useful suggestion as it was borne out of practical experience. The Reserve Inspector should not regard any suggestion from the lower ranks as a reflection upon his ability nor should he regard, that any intelligent suggestion on the part of the lower ranks is impossible.

There is a distinct difference in the structure of the Armed Reserve and the Taluk Police. The Armed Reserve invariably acts as a body of men whereas the Taluk police constable has to act on his own initiative. Due to this difference in the basic structure, the Armed Reserve takes the role of the striking force. The discipline demanded of an Armed Reserve constable must be loyalty to his Officer whereas the discipline demanded of a Taluk Police constable must be loyalty to his legitimate duty.

By strict enforcement of rigid discipline alone a high order of discipline cannot be attained. A sound leadership rather than repression is needed. If the Reserve Inspector in charge of the Armed Reserve only applies the rules of discipline to make it effective, he will not be able by any means, to develop a high order of discipline. If on the other hand, the same Officer has the most direct personal relations with his men, has the care for their welfare, he will develop their discipline to a degree unattainable by any other means.

I can well remember an instance where the entire constabulary of 400 reserve men had implicit faith and loyalty on their Reserve Inspector and that when the Reserve Inspector was transferred the men requested the Superintendent of Police for the retention of the Officer. All that the Reserve Inspector did to create such a tremendous loyalty and confidence in him was that he made his wife to visit the lines and find out the difficulties experienced by the wives of the constables. This created a feeling among the men that not only his welfare was well looked after but also that of his family.

The duties of an Armed Reserve Constable are not varied and more or less fixed. Due to this the men may become monotonous and show signs of disinterest in their work. It is here the Reserve Inspector or the Platoon Sergeant or the Jemadar who work closely with the men should step in and take efforts to relieve the monotony of the work. Sports and games, Shooting competitions, arranging of cultural events, do give the much-needed diversion to the Armed Reserve men. Besides these events do provide opportunities for increasing the Police relations with the public.

The Reserve Inspector and his sergeants should take personal interest in these events and should never do things as part of their routine. They themselves should take part in these items, should inculcate good habits and attitudes by their own example and instructions. It should be remembered that the Armed Reserve constable is as sensitive as any other normal human being; however impassive his outward appearance might be. If he feels that his Reserve Inspector and the Sergeant are interested only in getting the orders being carried out and indifferent to his welfare, health, etc., he will react with minimum loyalty, enthusiasm and effort. To put in the Police language he will simply "mark the time." If on the other hand, he feels that his superiors are interested in his welfare, he will respond with extended loyalty, greater enthusiasm and more effort.

It is quite likely that the Reserve Inspector who is interested in the welfare of his men, is misunderstood by a few Superior Officers, who are still wedded to the old methods of supervision and control. In that case the Reserve Inspector need not fear being a misfit or out of tune with his superior's expectations so long as he is in tune with his conscience.

A SURVEY OF HARDENED CRIMINALS

BY

SRI D. K. M. ABDUL RAZACK,

(Sub-Inspector of Police, Control Room, Madurai)

Here is another controversial article on some former criminal tribes. The views expressed are the author's only. We would like our readers to write to us their views on the points made by the author. —Editor.

The Piramalai Kallars, Koravars and Maravars are some of the criminal tribes of our State. A brief study about their general characteristics will not only be of topical interest but may also enable the investigating police officers to locate a crime.

Piramalai Kallars :—According to legendry belief the Piramalai Kallars are the decendants of a hunting race from the kingdom of Valanadu with its capital at Kancheepuram. They are marauding criminals largely inhabiting the hill areas of Madurai district. They commit heinous crimes like highway robbery, dacoity and burglary and their specialised "*Modus Operandi*" are 'Wall hole' and 'Lock breaking.' They are always armed with aruvals and velsticks and claim 'village kaval' as their hereditary right. They pitch upon some hide-outs around hills and forests and remain there for days on end after the commission of a crime. They dispose of the stolen properties through some intermediary intimately connected with them. They get their food and clothes through their womenfolk who are cunning and strong-willed. These women stealthily go to the hide-outs at some odd hour to feed their males and to communicate to them any information of interest to them. They reconnoitre the surroundings before the commission of a crime and alert them in time about the approach of the police afterwards.

The Piramalai Kallars are heartless criminals who would stoop to do any cruel act in order to get some booty. They have some soothsayers amongst them and act according to their bidding, commit crime in a particular direction ! They would pray to their hereditary deity (Kal Alagar of Alagarkoil) on the eve of going out for their nefarious expeditions so that they may return safe and in plenty. They seldom steal vessels and clothes if they are able to get at cash and jewels, as disposal will be easier in respect of the latter. They manoeuvre to get clues about their intended places of operation and more often, even about the exact location of treasure chests in houses through some local badhats masquerading as men of status. They commit a crime quite preplanned and if they are not caught in time, they would go on committing crime after crime. They would never confess about a crime and when they are charged they manage to arrange for their defence in court through lawyers, unlike Koravars who prefer to defend themselves. The public are so terribly afraid to come forward and depose against them that it is very difficult for investigating officers to gather evidence and recover stolen properties from them.

Piramalai Kallars, Peyyandi, Virumandi and their gang belonging to Uthappanaickanur P. S. in Madurai North district committed a double murder of a wealthy widow and her daughter while they were asleep in Ganguvarpatty village in the year 1954 simply for the sake of taking out the keys of the iron chest

from underneath her pillow! They then made away with a sumptuous booty. These criminals then went over to Puduvayal in Ramanathapuram district and on a particular night gained access into a chettiar's house, gagged him and his wife, got the keys of the iron chest from them, locked them up in a room and removed jewels worth more than Rs. 50,000. The Chettiar and his wife were released from their confinement only early next morning by their servant-maid when she turned up for duty. Presistent efforts, however, resulted in the arrest of the accused and recovery of properties and they were convicted. Clues about the accused and the stolen properties could only be had by incessant raids on blackspots, making night halts in villages, combing up the hills and forests and tapping goldsmiths, pawnbrokers and Shroffs.

Koravars :—They are very cunning criminals who would always give baffling clues about a crime never admitting their direct complicity. During their 'interrogation' they would simply gaze at the vacant space in blank despair! That is why in ordinary parlance, we some times jocularly say "why do you blink like a Korava." They would commit a series of crime on a chosen night, luck permitting. Their depredations extend all over the country. 'Snatching' is their special M. O. and they snatch neckchains, thali etc., from sleeping women. They are also dexterous in pick-pockets and adept burglars. Pickpockets attire themselves neatly to cast off suspicion, while burglars appear bare bodied with black shorts or loin clothes and carry with them house-breaking implements like crowbars, iron hooks etc. Burglars take away whatever things they lay their hands on and eat the available food in the scene house, this last generally indicates a Korava crime.

The Koravars operate singly or in gangs and seldom commit any violent crime. They do not carry any deadly weapon. But they carry with them some small stones which they throw over the roof of the house to see if the inmates are awake. They also carry with them some sticks to protect themselves, if caught or attacked. They are fleet of foot and can run long distances. They are somewhat careless also and leave behind them some trace or other, such as towel, remnants of stolen properties, foot or finger prints etc., which would expose them to the investigating officers and lead to ultimate detection of the crime.

They immediately melt the jewels into ingots and dispose them off in far off places through their trusted persons or more often through their own womenfolk. It has been disclosed that a Korava has a tendency to swallow the stolen jewels and appear innocent and that a Korava woman has a tendency to hide the jewels in her private parts! After committing a crime, they run through cross routes, catch the next available bus or train and decamp. They operate between 1 a.m. and 4 a.m. in darkness and the periodicity of their operation is normally between June and October because in the cold and rainy seasons, the people are more prone to be fast asleep and the noise of breaking the lock, removing the tiles, boring the wall etc., is submerged in the noisy wind and the rattling rain.

The Koravars of Nemmeni and Vaduvarpatty in Ramanathapuram district, Attukulam, Ulaganattiapuram, Athanoor and Velichi Natham in Madurai district, Tirumayam in Trichy district are the most active and dangerous criminals. These koravars would escape from jail if not properly guarded and they would revert to crime on release from jail if they are not properly surveilled and checked. This is applicable to the Piramalai Kallars also. These criminals chalk out their programmes of operation in the jail itself and carry them out on their release.

A Korava woman is highly debaucherous in character. She would have a paramour besides her husband to whom she would very often confide about a crime; and a Korava crime can be detected if only the investigating officer is able to get at the paramour and keep him in good humour! Koravars like Soosaimanickam of Nemmeni and Vellachamy of

Attukulam are great organisers of crime. It has been established in the Pallavaram gang case that these Koravars have operated in far off states like Bombay and Bengal.

Marava Criminals :—They are very hardened criminals with robust build. They abound largely in Ramnad, Madurai and Tirunelveli districts and operate only locally. Committing a violent crime like robbery and dacoity is just a pass-time with them! They would stoop to commit cold blooded crimes even for a pittance without bothering much about the consequences. Not satisfied with any accumulation of wealth they already have, they would go on committing crimes, for, it is their second nature! Veppankulam is a notorious marava centre in Ramanathapuram district where the males possess sufficient landed properties and the females wear a lot of jewels and yet they have inherent criminal propensities. The maravars are, as a rule, highly clannish and would not expose each other under any circumstance.

Nagalapuram shandy in Tirunelveli district which comes off on Thursdays attracts a good number of persons from far and near. The marava criminals on the Ramanathapuram district border steal their way, take positions at important junctions of cart tracks, and rob these persons of their belongings, even if the value of the loot is only annas four ! ! !

The maravars are always armed with long aruvals and velsticks. Unlike the Koravars, they inflict bodily harm on the victims and take away properties in order to puzzle them. Women in Tirunelveli district wearing weighty jewels called ' Pambadams ' on their ear lobes were once the victims of marava ravage. A certain senior police officer is reported to have funnly remarked " Robberies in Tirunelveli district will desist only if the womenfolk there stopped growing (gold jewels) in their ears."

The Maravars are notorious cattle lifters. They revel themselves over stolen sheep on festive occasions and dispose of the skin for profit. Sometimes, they throttle the sheep or goats while stealing them to prevent them from bleating. They sell the stolen cattle either at the slaughter houses or at the cattle shandies through cattle brokers. Another mode of their living is by getting what is called ' clue hire ' or ' thuppu cooly ' punishable under Section 215, I.P.C., by which they get a fixed sum of money from the owner concerned through some intermediary and release the cattle at some appointed place. Of late their peculiar M.O. is to steal a pair of bulls and a cart, yoke them and drive away to a safe place where they can arrange for their disposal. Some times they abandon the cart at some distant place.

The Marava criminals readily offer themselves as ' hirelings ' to commit any heinous crime like arson, looting, rioting and even murder.

Concentration of marava criminals is at Marugalkurichi close to Nanguneri and Sirumangalam close to Sankarankoil in Tirunelveli district. Special police vigilance on these concentrations has helped to keep them to some extent under control.

In spite of the wealth, these criminals have not attempted to educate their children on any appreciable scale in spite of the best efforts of the Government.

The repeal of the C.T. Act (N.T. Act) gave these criminals immunity from regular police checks, so much so that the bad elements among them are always at large and have become a social menace ; but fortunately enough many of them have once again been brought under reasonable control by proper use of the Habitual Offenders' Act.

Telephone : MUKKUDAL 21 Telegrams : 'LAL'



ஸ்தாபகர்

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மற்றும்
ஜலப்பிரதேச நாடுகள்
எங்கும் பிரசித்தி பெற்று
வருவது



உரிமையாளர்

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த. பி. சொக்கலால் ராம்சேட் பீடியே!

அது தரும் சுகமும், மணமும் எல்லோராலும்
புகழப்பட்டு வருகிறது. ஆதலால் சுத்த
சுதேசிப் பொருளாகிய எங்கள்

சொக்கலால் ராம்சேட் பீடியே

சதாவும் உபயோகித்து ஆனந்திக்கும்படி
கேட்டுக்கொள்கிறோம்.

த. பி. சொக்கலால் ராம்சேட் தொழிற்சாலை

புரோப்ரைட்டர் :

த. பி. சொ. ஹரிராம் சேட்

முக்கூடல்

(திருநெல்வேலி ஜில்லா)

INVESTIGATION OF A MURDER CASE

BY

SRI K. V. T. SARMA, B. A.,
(*Sub-Inspector of Police, Stanley Hospital, Madras City*)

Every police officer plays his part in the administration of Law and Order and the preservation of peace and safety, of the public in general. "Not snow nor rain nor heat nor gloom of light stays these couriers from the swift completion of their appointed rounds." Of the multifarious duties imposed on him, the investigation of a case forms the corner stone. One should be most methodic and systematic in his approach to facts and be open minded, avoiding all biased opinions. It should be the chief aim of every investigating officer to move to the scene of crime, with the quickest possible means and take time by the forelock and strike at once. Every piece of evidence should be very carefully examined, without leaving a single stone unturned and ev[illegible] piece of evidence, however, small should [illegible]unted upon without neglecting. It is said that you should strike the iron while it is hot. Take stock of the entire situation and string together all the relevant facts without being taken in by preconceived notions. The spot investigation should be thorough and exhaustive.

All the available witnesses should be examined thoroughly and minutely and this should be continued as the examination proceeds. The chain should be complete, without the break of the smallest link in the middle, by going through every detail point by point over and over again.

The accused may help us a good deal to add to our knowledge of the case. He himself may suggest a witness, to set us on the right direction, when we are moping in the dark. Thus one witness may spring from another till the chain is complete. As the facts of no two cases will be like, it would not be possible to give a clear cut idea or give a hard and fast rule regarding investigation.

However, the following may be kept in mind by every investigating officer:

(1) Start with the clear idea of the case.

(2) Draw a plan of action which should be modified as circumstances arise.

(3) Place yourself in the place of the culprit and visualize facts in the proper perspective.

(4) Arrive at the scene with the least possible delay.

(5) Draw a plan of the scene.

(6) Ensure that you have made a good inspection of the spot.

(7) Preserve absolute calm on arriving at the spot.

(8) Minutely inspect the spot for Finger marks even on grass.

(9) Do not disturb any article before you satisfy yourself that you have examined every article to your satisfaction.

(10) Find out the persons who can help you to give a clear idea of the case and of the people who are interested in the case.

(11) Every witness should be examined systematically and carefully.

(12) Be most patient, polite and do not do anything to intimidate or annoy any one.

(13) Examine every witness as far as possible near the scene of offence.

(14) Avoid as far as possible to examine any one in public unless it was out of necessity.

(15) See that the examination of witnesses is done cojently, with the corroborating link.

(16) Examine the accused, whenever possible and remain cool, calm and collected, without loosing temper.

(17) False alibi will be far too common. Examine this carefully to gauge the line of defence.

The above points are not exhaustive by themselves. But these points may serve as a guidance for every budding investigating officer.

To illustrate the above, I will furnish details regarding a Murder Case, investigated by me, while in charge of the Mappedu Police Station, in Chingleput District, in the year 1945-46.

At 3 p.m. on the very second day of my joining the Station, in the month of July 1945, I got intimation of a Murder case, while attending the Court at Sriperumbudur, which was about 12 miles off from my station.

The report read, that 'The body of an aged woman was found floating in the Thangal of the village of Agaram, in the early hours of the day, by the Vettian of the village, who went to water the fields. The neck of the woman was cut into two in front and the head was hanging to its body at the back of it. The identity of the woman was not established.'

I rushed to the spot on my cycle and arrived at the spot by about 00.30 hrs. Immediately on arriving at the spot, I sent for the Village Munsif, and others of the village who could be of use to me in holding the inquest over the dead body of the woman.

Oh! what a fate. Mischief had been so swift that it had entered the thoughts of desperate men to perpetrate this ghastly murder, on such an aged woman, who was well on the other side of 60. What was the cause of this inhuman activity, which had separated her from this mundane world? Definitely she could not have been the blonde or the blue bird, who had been the cynosure of the neighbouring eyes, nor could she have been the *demi monde*, as she had passed that age and it had been definitely a preplanned action of a master criminal, who had been at the bottom of this heinous crime. It was certainly a Persian riddle, a Je Ne Sais Quoi, as there was no clue to start with. Everything was in the dark. I was most perplexed. I did not know as to what I should do. The identity of the woman was not known. The perpetrators could not be located. The motive was a riddle and everything was in a huge deluge. I was at sea to the real motive of the crime and I was in a great dilemma as to how I should move, as this was the first murder case I was investigating, without any Inspector by my side to guide me properly.

Even though the enthusiasm was at the rock bottom of my heart, the minute examination of the body disclosed that the offenders had made an effort to remove from her finger the gold ring she had been [illegible] and this made me feel that this shou[illegible]se of murder for Gain. A close a[illegible] inspection of the spot showed that the woman had tried her best to get out of the clutches of the demons, but alas, God had willed it otherwise. There was a small piece of torn white cloth, a bandage cloth very near the place where a pool of blood was found, near the Thangal. There were also indications to show that they had been chewing tobacco and betel leaves and nuts, as betel cuds and betel leaves and small bits of nuts were strewn on the ground nearby. I racked my brain to find out who could have done this crime, but in vain. Putting this and that together I wanted to choose the correct path in detecting this, and I was put on my mettle in this case.

The entire village folk and those living far and near were gathered by the beat of Tom-

Tom, to find out if any could identify the dead woman, but in vain. I was only ploughing the sands by my similar actions. I noised abroad that any one who threw light on this case would be amply rewarded. I arranged to take a photo of the dead woman and sent out police men in all directions to establish the identity of the woman, in the first instance. There was a small 'CHITTY' on the person of the dead woman, which contained a dozen names of various individuals, both males and females without the address.

Days, nay weeks and months passed before I could gather any useful information about the dead woman or about the assailants. As the question of establishing the identity of the woman and getting at the miscreants was hanging fire for a long time, and the chances of detecting was as it were hanging in the balance, the officers grew restless and directed me to go all out, to give myself to deligent work, to show certain success. The consultations with the best brains of the department did not take me any further and I was at the starting point even after months. I was at the brink of desperation, when the Officers were despondent, if I could ever get at the identify of the dead woman and get at the desperados. Every one of my promises, that I would be certainly successful and that 'murder will be out' was taken as fairy tale and critical remarks were mustered against me, a budding Sub-Inspector, in their anxiety to detect the case somehow or other. No doubt, delay was dangerous, but making a virtue of the necessity I had to bear every one of the rebuke with assinine patience, waiting for the day to dawn brightly on me. Much patience is required in cases of this nature and no stone should be left unturned if one desired to succeed. Finally I hit at the right person, who gave me the correct information about the dead woman, by looking at the photo.

It was just after three months that the photo of the dead woman was identified, as that of a retired Nurse of the Madras Corporation, who had been residing in a gully near the Rettai Pilliar Temple of Mint Junction. One is able to surmount the greatest difficulties provided, one is persistent to succeed in the end. The single stroke of pickaxe, or of one impression of the spade with the general design and the last result would be overwhelmed, with the sense of their disproportion, and yet those petty operations incessantly continued, in time overcome the greatest difficulties.

It was more than a surprise for me to find that the inmates of the house bore the very same names found on the 'Chitty' found on the dead woman. It was most unfortunate that none cared to enquire about the long absence of the woman and there was no report at any of the Police Stations at Madras.

Rajammal, an old woman, a retired nurse of the Madras Corporation, aged about 65, was the owner of the house at the Mint Gully. She had no issues and as such was looking after the family of her sister and brother. The brother died leaving a girl aged about 12 years and the sister died leaving a boy aged about 14 years. Both the girl and the boy were got married by the deceased nurse to two different persons, but not being satisfied with the alliances she wanted to remarry the girl and the boy to others, discarding the previous alliance. The boy, however, did not like this and he had been a source of trouble to the old nurse and had committed theft of some jewels from her which she was carrying with her always, tied to a piece of cloth, one white torn bandage cloth. The nurse out of fear for the boy carried a good number of jewels all worth about Rs. 5,000 always tied round her waist in that piece of cloth, recovered by me at the spot, at the time of inquest. She was in the habit of showing these jewels to whomsoever she came across, who promised to get good alliances for the boy and the girl to remarry. One such individual with whom she had been moving very freely and to whom she had been confiding her secrets regarding the proposed alliances for the boy and girl was one Rangan, a peon

of the Madras Corporation, working in the Rippon Buildings, where she used to go to receive her pension every month. He was the only individual whom she trusted who knew very well that she used to carry the jewels worth about Rs. 5,000 always on her person wherever she went. She could not have left Madras without his knowledge. She left the house on the day she was murdered, by about 5 p.m. along with two others, one of whom read a letter in the house, to indicate that the Village Munsif of Munnur, near Mappedu had asked the dead woman to come to him with the documents of her lands all worth Rs. 6,000 as the Military proposed to take charge of them immediately, so that he could mediate and get her the maximum benefit out of the bargain, with the Military authorities. She believed the *bona fides* of the letter and followed the two individuals though late in the evening, to go to Munnur the same night.

Gathering this information, I immediately rushed to the Corporation to get at the said Rangan, the peon of the Corporation; but was able to get at him only the next day. But at every stage there was check. Rangan would not give any information either about the deceased nurse, how she left Madras on the day in question or about the two individuals who read over the letter, at her house. It seemed a wild goose chase as he would not budge an inch and pleaded ignorance of the movements of the woman. However, much he had been dodging me he was persistently questioned that he blurted in the end, that one Guruviah of Bommi Chetty Street, Walltax Road, Madras, might be in a position to enlighten me about the movements of the woman, as he was a good friend of the late nurse. Chance played its important part here. Had the peon kept quiet, without giving any information about the said Guruviah, I would have probably never detected the case. I immediately acted on this information. I bore down upon Guruviah. As the face is always the index of the mind, the very presence of the policeman in his house made the said Guruviah shake in his shoes and I was able to trace about his feelings from his tremblings. He came out without beating about the bush with truth.

The old Nurse had come to him with the two strangers, one of whom read a letter to him also, the same as the one read at her house, got the documents of the land and left for Kadambathur the night she was murdered, with the two strangers and Rangan but did not return afterwards. He denied of having contacted the said Rangan after that night and promised to show the two strangers if he were to come across them. He did not know anything about their identity.

I was a bit out of spirits because of the series of reverses ever since the case was reported and was biding my time when there was unrest among my own men and the officers and was stung to the quick at the baseless insinuations made against me. I, however, without loosing much time, proceeded to the village of Rangan a village 7 miles off Pennalurpet, in Chingleput District.

Exhaustive enquiries at the village disclosed that Rangan came to the village, on leave, prior to his getting back to Madras with the two individuals. One Karnam and Raju were his close friends and they had been spending lavishly prior to their proceeding to Madras and the Karnam and Raju alone returned after two days absence.

I carried the day in detecting the case by tracing the two individuals, the Karnam and the Raju, who were immediately identified by the said Guruviah, who was with me.

Without loosing much ground, I questioned the said Raju and Karnam, who let the cat out of the bag. Without much ado, Raju came out with the truth and explained how the peon Rangan came to the village on a 7 days leave. He took both the Karnam and the Raju to Madras to make easy money. He was no doubt at sixes and sevens when he left for Madras. The Karnam wrote a letter, underneath a tree, behind the Corporation

buildings, to the dictation of Rangan and they both followed the late nurse to her house on the evening she was taken to Kadambathur, read over the letter as per the directions of Rangan and then got the documents from Guruviah's house and proceeded to Kadambathur by the Bangalore Passenger starting from Madras at 21-30 hrs. Rangan followed them. They all walked to a distance of about 6 miles from Kadambathur and it was a full moon day. The nurse sat down on the bund of the Thangal and chewed betel leaves after breaking the nut with the help of a stone. All on a sudden Rangan gave her a knock and pushed her down when immediately the Karnam caught hold of her hands and Raju caught hold of her legs and Rangan cut her throat with the help of the knife he had been carrying. He immediately untied the bundle round her waist and took the jewels kept tied to it and they all went to Madras by the Bangalore Passenger by about 05.00 hrs., and shared the jewels among themselves and the Karnam and himself returned to their village while Rangan remained back in Madras. He then gave out his share of jewels by digging out a pit from behind his house. The Karnam also gave out his share of jewels from the place where he had kept them burried. It was also gathered that they tried to remove the ring from her finger, but they could not and went away leaving the gold ring in her finger, lest they should miss the train. It was because of Raju who made a clean breast of the whole affair that I was able to detect the case. But there was no evidence against the real offender Rangan. It was a problem to bring home the charge of murder against Rangan.

Rangan who was at the top of the ladder in this offence had been very careful not to be lost in the clouds. He had very carefully manipulated to sign the sentry book, the watchman's book at 21.30 hrs. at the Corporation, on the day of murder and had been very cautious to sign the watchman's sentry book again at 05.00 hrs. the next day. The train left Madras at 21.30 hrs. and they returned by the Bangalore Passenger the next morning at 05.00 hrs. The recorded evidence was in favour of the Arch Criminal to prove his alibi, to show that he had been on duty from 21.00 hrs. to 05.00 hrs. the next day thus making it impossible for him to be at the place of murder and commit the offence. Both the Karnam and Raju had been done brown by the arch villain, in the field of criminology. The Karnam and Raju were in blue funk when they heard that Rangan was not coming with the truth and was about to escape.

Rangan was kept under close shadow. It so happened that the younger brother of Rangan wrote to Rangan's wife to intimate him about the movements of Rangan without wasting time. Rangan was an illiterate. I counted on this and made him believe that Rangan's brother was willing to part with the jewels that came to his share in the murder and expressed by intention of arresting his brother. This had the desired effect, and Rangan broke down. He gave his share of properties from the place of concealment, from Malayaperumal street, Madras.

The other things were very easy. On the day in question, he had arranged with the help of the head peon to sign the sentry book at 21.00 hrs. even prior to his leaving Madras with the woman and managed to sign the book again at 05.00 hrs. after his return, after the murder and sharing of the properties. An illiterate as he had been, he had signed the sentry book on all the days, when he had been on leave continuously for two days, both at 21.00 hrs. the previous day and at 05.00 hrs. the next day. He had signed like this fabricating the book on more than a dozen occasions, even though he had been absent on all such days. Queer are the ways how a criminal mind works. More vigilant should be an investigating officer to unlock the riddle.

The sergeant and other peons who were on duty on the particular night were alive to their responsibilities and their privileges and were

alarmed at the news of the murder and as they became apprehensive of the danger, if they associated themselves with the murderer, in shielding him of his offence, and came out with the truth, how he was not at all present on the night in question at Madras. His signature on all Thursdays and Fridays, even on days when he had gone on leave was most conspicuous and every one congratulated the police for making them conscious of their short-comings, when they were conclusive of the guilt of the accused Rangan.

All the efforts to take Raju as an approver having failed, the case was charged before the Sessions Judge, Chingleput and the Hon. D. Krishna Rao, the then Judge of Chingleput awarded the highest penalty of law to the three accused, Rangan, Karnam and Raju.

LEGAL CAUSERIE

1961 (2) Cr. L. J. 856 (Vol. 63, C.N. 265)—AIR. 1961 Supreme Court, 1808 (V 48 C 333)

(1) (From Bombay at Rajkot)
(2) (From Punjab)
(3) (From Calcutta : A.I.R. 1960 Cal. 32)

4th August 1961.

B. P. SINAHA, C.J., S. J. IMAM, S. K. DAS, P. B. GAJENDRAGADKAR, A. K. SARKAR, K. SUBBA RAO, K. N. WANCHOO, K. C. DAS GUPTA, RAGHUBAR DAYAL, N. RAJAGOPALA AYYANGAR AND J. R. MUDHOLKER, JJ.

(1) Criminal Appeal No. 146 of 1958

State of Bombay	...	*Appellant*
vs.		
Kathi Kalu, Oghad	...	*Respondent*
(1) Attorney-General, (2) Bhupendra Nath and (3) Aswini Kumar Haldar	...	*Interveners*

(2) Criminal Appeals Nos. 110 and 111 of 1958

Pokhar Singh (in both the Appeals)	...	*Appellant*
vs.		
State of Punjab (in both the Appeals)	...	*Respondent*

with

(3) Criminal Appeal No. 174 of 1959

State of West Bengal	...	*Appellant*
vs.		
Shri Farid Ahmed	...	*Respondent*

Criminal Appeal No. 146 of 1958 and Criminal Appeals No. 110 and 111 of 1958 with Criminal Appeal No. 174 of 1959.

(*a*) Constitution of India, Article 20 (3) Scope—Statement by accused in Police custody without anything more does not amount to compulsion—Mere production of documents or giving information by accused is not 'to be a witness'—Giving of thumb-impressions, etc., is not 'to be a witness'—For application of Article 20 (3) person must have stood in character of accused at time of statement—A.I.R. 1960 Cal. 32, Reversed, I.L.R. (1960) Ker. 760. A.I.R. 1960 Kerala 392 : 1960 Crl. L.J. 1603 (F.B.), overruled.

Re : **" Compulsion "**

By the Court :—An accused person cannot be said to have been compelled to be a witness against himself simply because he made

a statement while in Police custody, without anything more. In other words, the mere fact of being in police custody at the time when the statement in question was made would not, by itself, as a proposition of law, lend itself to the inference that the accused was compelled to make the statement, though that fact, in conjunction with other circumstances disclosed in evidence in a particular case, would be a relevant consideration in an enquiry whether or not the accused person had been compelled to make the impugned statement.

The mere questioning of an accused person by a police officer resulting in a voluntary statement which may ultimately turn out to be incriminatory, is not ' compulsion.'

***Re* : The meaning of " to be a witness "**

By the Court :—" To be a witness " in its ordinary grammatical sense means giving oral testimony in Court. Case law has gone beyond this strict literal interpretation of the expression which may now bear a wider meaning, namely, bearing testimony in Court or out of Court by a person accused of an offence, orally or in writing.

(Per Majority, S. K. Das, A. K. Sarkar and K. C. Das Gupta JJ. contra)—'To be a witness' is not equivalent to ' furnishing evidence ' in its widest significance that is to say, as including not merely making of oral or written statements but also production of documents or giving materials which may be relevant at a trial to determine the guilt or innocence of the accused. The observation of the Supreme Court in A.I.R. 1954 S.C. 300 that S. 139 of the Evidence Act has no bearing on the connotation of the word ' witness ' is not entirely well founded in law.

Per Majority—Giving thumb-impression or impressions of foot or palm or fingers or specimen writings or showing parts of the body by way of identification are not included in the expression ' to be a witness.'

Per S. K. Das, A. K. Sarkar and K. C. Das Gupta, JJ. :—An accused person furnishes evidence when he is giving specimen handwriting, or impressions of the fingers or palms or foot but he does not furnish evidence against himself in so doing within the meaning of Article 20 (3), A.I.R. 1960 Cal. 32. Reversed I.L.R. (1960) Kerala 760 : A.I.R. 1960 Kerala 392 : 1960 Cr.L.J. 1603 (F.B.), overruled.

(Para. 32)

(Per Majority, S. K. Das, A. K. Sarkar and K. C. Das Gupta JJ. contra)—'To be a witness' means imparting knowledge in respect of relevant facts by an oral statement or a statement in writing, made or given in Court or otherwise.

" Person accused of an offence "

(Per Majority, S. K. Das, A. K. Sarkar and K. C. Das Gupta JJ. expressing no opinion)—To bring the statement in question within the prohibition of Article 20 (3), the person accused must have stood in the character of an accused person at the time he made the statement. It is not enough that he should become an accused, any time after the statement has been made. A.I.R. 1960 S.C. 756, Rel. on ; A.I.R. 1954 S.C. 300, Dist.

(Para. 16)

(*b*) Constitution of India, Article 20 (3)-S. 27 of the Evidence Act (1872)—Validity—Self-incriminatory information given by accused without compulsion—S. 27, Evidence Act, does not infringe Article 20 (3) in such case.

The information given by an accused person to a police officer leading to the discovery of a fact which may or may not prove incriminatory has been made admissible in evidence by S. 27 of the Evidence Act. If the self-incriminatory information has been given by an accused person without any threat, that will not be hit by the provisions of cl. (3) of Art. 20 of the Constitution for the reason that there has been no compulsion. Thus the provisions of S. 27 of the Evidence Act are not within

the prohibition aforesaid unless compulsion had been used in obtaining the information.

(Paras. 13, 36)

Cases referred : Courtwise chronological.	*Paras.*
(1954) A.I.R. 1954 S.C. 300 (V 41) : 1954 S.C.R. 1077 : 1954 Cri.L.J. 865, M.P. Sharma *vs.* Satish Chandra ...	1, 4, 8, 9, 11, 13, 14 19, 21, 22 31
(1960) A.I.R. 1960 S.C. 756 (V 47) : 1960-3 S.C.R. 116 : 1960 Cri.L.J. 1159, Mohamed Dastagir *vs.* State of Madras.	14
(1960) A.I.R. 1960 S.C. 1125 (V 47): 1960 Cri.L.J. 1504, State of Uttar Pradesh *vs.* Deomen Upadhyaya	13
(1955) A.I.R. 1955 Cal. 247 (V 42) : 1955 Cri.L.J. 790, Sailendra Nath Sinha *vs.* The State...	4
(1960) A.I.R. 1960 Kerala 392 (V 47): 1960 Cri.L.J. 1603 (FB), State of Kerala *vs.* K. K. Sankaran Nair	9

In Criminal Appeal No. 146 of 1958

Messrs. H. R. Khanna and T. M. Sen, Advocates, for Appellant ; Mr. S. P. Varma, Advocate (At State expense) for Respondent ; Mr. M. C. Setalvad, Attorney-General for India and Mr. B. Sen, Senior Advocate (Mr. T. M. Sen, Advocate, with them) for intervener No. 1 ; Mr. H. P. Wanchoo, Advocate, for Intervener No. 2 ; Mr. R. C. Dutta, Advocate, for Intervener No. 3.

In Criminal Appeals Nos. 110 and 111 of 1958

Messrs. P. S. Safeer and R. S. Gheba, Advocates, for Appellant ; Mr. S. M. Sikri, Advocate-General for the State of Punjab and Mr. N. S. Bindra, Senior Advocate (Mr. D. Gupta, Advocate, with them), for Respondent.

In Criminal Appeal No. 174 of 1959

Sir S. M. Bose, Advocate-General for the State of West Bengal and Mr. B. Sen, Senior Advocate (Mr. P. K. Bose, Advocate, with them), for Appellant.

(The judgment of B. P. Sinha C. J., Imam, Gajendragadkar, Subba Rao, Wanchoo, Raghubar Dayal, Rajagopala Ayyangar and Mudholkar JJ. was delivered by)—SINHA C. J.

* * *

16. In view of these considerations, we have come to the following conclusions :—

(1) An accused person cannot be said to have been compelled to be a witness against himself simply because he made a statement while in police custody, without anything more. In other words, the mere fact of being in police custody at the time when the statement in question was made would not, by itself, as a proposition of law, lend itself to the inference that the accused was compelled to make the statement, though that fact, in conjunction with other circumstances disclosed in evidence in a particular case, would be a relevant consideration in an enquiry whether or not the accused person had been compelled to make the impugned statement.

(2) The mere questioning of an accused person by a police officer, resulting in a voluntary statement, which may ultimately turn out to be incriminatory, is not 'compulsion'.

(3) 'To be a witness' is not equivalent to 'furnishing evidence' in its widest significance ; that is to say, as including not merely making of oral or written statements but also production of documents or giving materials which may be relevant at a trial to determine the guilt or innocence of the accused.

(4) Giving thumb impressions or impressions of foot or palm or fingers or specimen writings or showing parts of the body by way of identification are not included in the expression 'to be a witness'.

(5) 'To be a witness' means imparting knowledge in respect of relevant facts by an oral statement or a statement in writing, made or given in Court or otherwise.

(6) 'To be a witness' in its ordinary grammatical sense means giving oral testimony in Court. Case law has gone beyond this strict literal interpretation of the expression which may now bear a wider meaning, namely, bearing testimony in Court or out of Court by a person accused of an offence, orally or in writing.

(7) To bring the statement in question within the prohibition of Art. 20 (3), the person accused must have stood in the character of an accused person at the time he made the statement. It is not enough that he should become an accused, any time after the statement has been made.

17. The appeals will now be listed for hearing on merits in accordance with the above principles.

(The judgment of S. K. Das, A. K. Sarkar, K. C. Das Gupta JJ. was delivered by) DAS GUPTA, J.

* * *

35. We agree, therefore, with the conclusion reached by the majority of the Bench that there is no infringement of Article 20 (3) of the Constitution by compelling an accused person to give his specimen handwriting or signature, or impressions of his fingers, palm or foot to the investigating officer or under orders of a court for the purpose of comparison under the provisions of section 73 of the Indian Evidence Act ; though we have not been able to agree with the view of our learned brethren that "to be a witness" in Article 20 (3) should be equated with the imparting of personal knowledge or that an accused does not become a witness when he produces some document not in his own handwriting even though it may tend to prove facts in issue or relevant facts against him.

36. In Criminal Appeals Nos. 110 and 111 of 1958 a further question as regards the validity of section 27 of the Evidence Act was raised. It was said that the receipt of information from an accused person in the custody of a police officer which can be proved under section 27 is an infringement of Article 20 (3). Section 27 provides that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of the information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved. It cannot be disputed that by giving such information the accused furnishes evidence and therefore is a "witness" during the investigation. Unless however he is "compelled" to give the information he cannot be said to be "compelled" to be a witness ; and so Article 20 (3) is not infringed. Compulsion is not however inherent in the receipt of information from an accused person in the custody of a police officer. There may be cases where an accused in custody is compelled to give the information later on sought to be proved under section 27. There will be other cases where the accused gives the information without any compulsion. Where the accused is compelled to give information it will be an infringement of Article 20 (3) ; but there is no such infringement where he gives the information without any compulsion. Therefore compulsion not being inherent or implicit in the fact of the information having been received from a person in custody, the contention that section 27 necessarily infringes Article 20 (3) cannot be accepted.

37. A question was raised in the course of the discussion as to when a person can be said to have been, "compelled" within the meaning of Article 20 (3). One view is that there must be an element of constraint or coercion in the physical sense before it can be said that an accused person has been "compelled." The other view is that in addition to cases where there has been such

constraint or coercion an accused should be held to have been "compelled" to be a witness whenever there has been inducement or promise which persuaded the accused to be a witness, even though there has been no such coercion or constraint. In Criminal Appeals Nos. 110 and 111 the information proved under section 27 of the Evidence Act was that Pokhar Singh had buried certain fire arms in village Badesra under Toori and these were recovered when he pointed these out to the investigating police officer. This information was proved under section 27. But it does not appear to have been suggested that the accused was made to give this information by inducement or threat or promise. On the facts therefore there is no question of the information having been received by compulsion. The question whether any inducement or promise which leads an accused person to give information amounts to compulsion or not does not therefore fall to be decided.

38. It may be pointed out that in the other appeals, *viz.*, Criminal Appeal No. 146 of 1958 and Criminal Appeal No. 174 of 1959, also this question does not arise for consideration in view of our conclusion that in any case the accused does not become a "witness" against himself by giving his specimen signature or impressions of his fingers or palms.

39. It appears to us to be equally unnecessary to decide another question which was mooted in the course of the hearing, *viz.*, whether the prohibition of Article 20 (3) operates only after a person has been accused of an offence or even before that stage. Admittedly, in all these cases the person on whose behalf the protection under Article 20 (3) is claimed gave the specimen signatures or impressions of fingers or palms after he had been actually accused of an offence.

40. We think it right therefore not to express any opinion on any of these questions.

DETAILS OF TEAMS THAT CAME OUT SUCCESSFUL IN THE VARIOUS EVENTS IN THE ALL-INDIA POLICE DUTY MEET HELD AT BANGALORE

	Events			*State*	*Score*
1.	Rifle Shooting Application (100 yards standing)	...	I	Tripura	66/100
			II	Kerala	60/100
			III	Uttar Pradesh	60/100
2.	Rifle Shooting Application (100 yards kneeling)	...	I	Uttar Pradesh	96/100
			II	Mysore	94/100
			III	Bihar	92/100
3.	Rifle Shooting Application (300 yards prone)	...	I	Kerala	96/100
			II	Madras	94/100
			III	Madhya Pradesh	94/100
4.	Riflle Shooting (300 yards snap)	...	I	Kerala	15/15
			II	Madras	15/15
			III	Punjab	15/15
5.	Revolver Shooting Application (25 yards)	...	I	Madras	96/120
			II	West Bengal	92/120
			III	Andhra Pradesh	91/120
6.	Revolver Shooting Attack (30 yards) ...	...	I	Madras	27/30
			II	Assam	24/30
			III	Tripura	22/30
7.	Revolver Shooting Rapid Firing (15 yards)	...	I	Uttar Pradesh	47/60
			II	West Bengal	46/60
			III	Maharashtra	44/60
8.	Revolver Shooting Application (50 yards)	...	I	Uttar Pradesh	58/60
			II	West Bengal	58/60
			III	Punjab	58/60
9.	Revolver Shooting Medal for best shot	...		Madras	202/270
10.	First Aid and Ambulance Drill (Winners)	...		Uttar Pradesh	698/800
11.	First Aid and Ambulance Drill (Runners-up)	...		Mysore	681/800
12.	First Aid & Ambulance Drill (Third place)	...		West Bengal	617/800
13.	First Aid & Ambulance Drill (Viva Voce test)	...	I	Punjab	75/75
			II	Bihar	75/75
			III	Orissa	70/75

	Events		State	Score
14.	Wireless competition (Winners)		Uttar Pradesh	87.78/100
15.	Wireless competition (Runners-up)		Andhra Pradesh	80.87/100
16.	Wireless competition (Third place)		Punjab	70.80/100
17.	Wireless competition (Individual skill)	I	West Bengal	87.65/100
		II	Andhra Pradesh	76.80/100
		III	Punjab	74.20/100
18.	Scientific Aids Championship (Winners)		Andhra Pradesh	599½/1050
19.	Scientific Aids Championship (Runners-up) ...		West Bengal	579½/1050
20.	Scientific Aids Championship (Third place) ...		Bihar	577/1050
21.	Scientific Aids Written test in Forensic	I	Mysore	41/50
		II	Mysore	40/50
		III	Andhra Pradesh	38½/50
22.	Scientific Aids Medico Legal test (Oral)	I	West Bengal	47½/50
		II	Delhi	45/50
		III	Andhra Pradesh	42½/50
23.	Scientific Aids Finger-Print	I	West Bengal	31/50
		II	Bihar	30/50
		III	Delhi	29½/50
24.	Scientific Aids Foot-Print	I	Bihar	37/50
		II	West Bengal	36½/50
		III	Maharashtra	36/50
25.	Scientific Aids Observation test	I	Punjab	40½/50
		II	Bihar	36½/50
		III	Orissa	35½/50
26.	Scientific Aids Police Portraits	I	Andhra Pradesh	40/50
		II	Andhra Pradesh	34/50
		III	Uttar Pradesh	29½/50
27.	Scientific Aids Photography test	I	Uttar Pradesh	38/50
		II	West Bengal	37½/50
		III	Madras	36½/50
28.	Scientific Aids Lifting, Packing and Exhibition ...	I	West Bengal	43/50
		II	Mysore	33/50
		III	Orissa	32/50
29.	Police Photography (Winners)		Delhi	
30.	Police Photography (Runners-up)		Orissa	
31.	Police Photography (Third Place)		Mysore	

RESULT OF THE XII ALL-INDIA POLICE GAMES 1962 HELD AT TRIVANDRUM

1.	100 Metres ...	I	H. C. Somiah	Madras	11 seconds:
		II	Md. Kasim	Andhra Pradesh	
		III	P. C. Anthony Francis	Maharashtra	
2.	200 Metres ...	I	S. Nagabhushanam	Andhra Pradesh	21.8 seconds (New record)
		II	H. C. Tara Singh	Punjab	
		III	H. C. Somiah	Madras	
3.	400 Metres ...	I	S. Nagabhushanam	Andhra Pradesh	46.7 seconds (New record)
		II	L/Nk. Mohammed	Kerala	
		III	B. Satyanarayanan	Andhra Pradesh	
4.	800 Metres	I	P. C. Hazari Ram	Rajasthan	1 M. 52 secs. (New record)
		II	S. I. Baboo Singh	Punjab	
		III	P. C. Jiwan Singh	C.R.P.	
5.	1500 Metres ...	I	P. C. Hazari Ram	Rajasthan	4 M. 1.1 secs. (New record)
		II	S. I. Baboo Singh	Punjab	
		III	P. C. Jiwan Singh	C.R.P.	
6.	5000 Metres ...	I	H. C. Nawab Singh	Punjab	15 M. 30.4 secs. (New record)
		II	H. C. Rayappan	Madras	
		III	Nk. Surendran	Kerala	
7.	10000 Metres ...	I	Nk. Surendran	Kerala	31 M. 43.8 secs. (New record)
		II	H. C. Rayappan	Madras	
		III	H. C. Mohyudeen	Mysore	(All the three broken the existing record)
8.	110 Hurdles ...	I	S. I. Gurbachan Singh	C.R.P.	15.1 seconds
		II	P. C. Nasrat Hussain	U.P.	
		III	Nk. Ambu Nair	Madras	
9.	400 Metres Hurdles	I	P. C. Kailash Chaubey	Uttar Pradesh	57 seconds
		II	A. S. I. Ratnakar Shetty	Maharashtra	
		III	P. C. Sitar Singh	C.R.P.	
10.	3000 Metres Steeple Chase	I	H. C. Nawab Singh	Punjab	9 M. 50 secs.
		II	H. C. Rayappan	Madras	9 M. 52 secs.
		III	P. C. Narayanan	Madras	
11.	Marathon ...	I	M. Balraj	Andhra Pradesh	2 H. 42 M. 55 secs.
		II	P. C. Kuldip Singh	Delhi	
		III	S. I. Dass	Punjab	

12.	Decathlon ...	I	P. C. Rameshchand	Uttar Pradesh	4392 Points
		II	A. S. I. Omprakash	Punjab	4114 Points
		III	V. Joseph	Andhra Pradesh	3944 Points
13.	Broadjump ...	I	S. I. Gurbachan Singh	C.R.P.	23′—3½″
		II	H. C. Gurdev Singh	Punjab	(New record)
		III	H. C. Kashmira Singh	Punjab	
14.	High Jump ...	I	S. I. Gurbachan Singh	C.R.P.	6′—5″
		II	H. C. Sharanjit Singh	Punjab	
		III	S. I. Ajit Singh	Punjab	
15.	Hop Step and Jump	I	M. S. Subbakara Reddy	Andhra Pradesh	47′—5¼″
		II	S. I. Gurbachan Singh	C.R.P.	
		III	H. C. Gurdev Singh	Punjab	
16.	Pole Vault ...	I	A. S. I. Lakbir Singh	Punjab	12′—9″
		II	H. C. Sheo Dhari	U.P.	(New record)
		III	P. C. Tapeswar Gaut	U.P.	
17.	Putting the Shot	I	H. C. Baldev Singh	Punjab	45′—8″
		II	A. S. I. Bhakshish Singh	Punjab	
		III	Hav. Bijoy Singh	Bihar	
18.	Javelin Throw	I	S. I. Gurbachan Singh	C.R.P.	199′—6¾″
		II	A. S. I. Bhakshish Singh	Punjab	(New record)
		III	H. C. Sheo Punjan	U.P.	
19.	Discus Throw ...	I	H. C. Major Singh	Punjab	147′—1″
		II	H. C. Baldev Singh	Punjab	(New record)
		III	P. C. Selvamani	Madras	
20.	Hammer Throw	I	H. C. Ajmer Singh	Punjab	163′—3.83″
		II	P. C. Bikaram Singh	U.P.	(New record)
		III	H. C. Dali Ghand	Punjab	
21.	4 × 400 Metres Relay	I	Andhra Pradesh		3 M. 22.3 Secs. (New record)
		II	Punjab		3 M. 22.5 secs. (New record)
		III	Madras		3 M. 23.1 Secs. (New record)
22.	4 × 100 Metres Relay	I	Madras		43 Seconds
		II	Andhra Pradesh		
		III	Maharashtra		

All-India Police Athletic Championship ... Punjab 206 Points.

Runners-up Trophy ... ... Madras 121 Points.

RESULT OF XII ALL-INDIA POLICE GAMES WRESTLING CHAMPIONSHIP

Fly Weight

Sardara (Delhi)	...	I
Jogeshwar Singh (Bihar)	...	II
Tulsi Ram (Andhra)	...	III

Bantam Weight

Ram Swarup (Delhi)	...	I
Kesari Singh (Bihar)	...	II
Sankar Lal (Andhra)	...	III

Feather Weight

A. M. Nalvade (Maharashtra)	...	I
Balde Ram (Delhi)	...	II
Joginder Singh (Bihar)	...	III

Light Weight

Gian Prakash (Delhi)	...	I
N. B. Mandane (Maharashtra)	...	II
Bhanga (Bihar)	...	III

Welter Weight

Laxmikant Pandey (U.P.)	...	I
Babban Dubey (West Bengal)	...	II
Chand Ram (C.R.P.)	...	III

Middle Weight

Hukam Chand (Punjab)	...	I
Jamuna Pandey (Bihar)	...	II
Bhim Singh (C.R.P.)	...	III

Light Heavy Weight

Suraj Bhan (Delhi)	...	I
Tej Bahadur Singh (Bihar)	...	II
Sher Singh (C.R.P.)	...	III

Heavy Weight

Phool Singh (C.R.P.)	...	I
Ram Pujan Singh (Punjab)	...	II
Rai Singh (Punjab)	...	III

GENERAL ELECTIONS—IN RETROSPECT

BY

SRI JOHN KOSHI,

Chief Fire Officer and Personal Assistant to Inspector-General of Police, Madras.

Head Lines News......................and	......................A Reader's Views
1957	
Sitting M.P. standing in......................	Stretching his legs after sitting for five long years.
Rival parties indulge in stone throwing at election meeting.	'Mud-slinging' is not taboo in modern electioneering. So why revert to the stone age?
Voters from the tribal areas came with bows and arrows.	Just a precaution against our 'strone-throwing' friends. Good hunting !
Baby girl born in polling booth	And they called her Evangeline Booth !
The horoscope of a girl in need of husband was found in a ballot box at.................. A young man in need of a wife put in his plea in a ballot box at....................	Very clever indeed !—Cheaper than advertising in the matrimonial columns of the papers, and both got front page publicity ! Let us hope they found suitable mates, got hitched and lived happily ever after.
Husband and wife vote for rival candidates and end up in divorce.	What a man !
His last act.................A middle-aged man collapsed as he came out of the booth after casting his vote and died before he could be removed to hospital.	His number was up before the counting began !
Dead man exercises vote. Man whose name was scored out of the voters' list as dead, appeared before the presiding officer and was allowed to vote.	He must have got a terriffic kick out of it. Any way, if elections bring the long dead ones back to life, let us not have any more of them.
Minister marries minister in....................	This naturally led to shuffling of portfolios. He became minister without portfolio and she took over Home.
1962	
Rival candidates on the same platform	Both waiting for the same train !
Independent candidate opposes Father-in-law in............................	A real Independent !
Sitting rebel M.P. beaten at.................	Beating up one who is seated is worse than hitting below the belt, even if he be a 'Rebel'.
Mr............................forfeits deposit	Poor speculation ! He would have done well to 'retire' in time.
Returning officer missing from home.	May he soon return
Wife beats husband in....................	A home truth, which most husbands won't admit.

Elections are exciting. They bring in their wake births, marriages, divorces, deaths and resurrection. They also bring out the dormant qualities in man !

Crime Statement for the quarter ending 31-12-1961 in Madras State

Serial No. (1)	Name of District (2)	Area in sq. miles (3)	Population (4)	Total number of crimes (5)	Offences relating to coins (6)	Offences relating to currency and bank notes (7)	Murders (8)	Kidnapping (9)	Dacoity and preparation and assembly for dacoity (10)	Robbery (11)	House-breaking (12)	Theft (both ordinary and cattle) (13)	Criminal Assault (14)	Total number of juveniles concerned (15)	Policemen per 10,000 population (16)
1	North Arcot ...	4,654	31,41,983	802	...	...	14	6	...	1	139	319	...	29	5·3
2	South Arcot ...	4,204	27,76,767	1,174	...	...	17	9	...	2	223	592	124	37	6
3	Chingleput ...	3,294·03	18,94,212	...	...	...	...	...	...	...	...	...	...	...	4·7
4	Coimbatore ...	6,024	35,41,401	712	...	...	32	13	3	6	166	392	31	35	5
5	Kanyakumari ...	646	9,97,000	1,210	...	...	3	1	...	2	32	95	34	5	6
6	Madras City ...	49·4	14,16,056	1,454	...	...	3	8	...	1	28	742	46	98	26
7	Madurai North ...	3,099·24	16,22,989	810	...	...	19	2	1	5	68	191	6	11	7
8	Madurai Urban ...	1,769·76	12,68,828	739	...	...	4	1	...	1	54	399	49	41	12
9	Nilgiris ...	1,098·14	2,79,359	171	...	...	1	1	...	...	47	41	14	3	13·1
10	Ramanathapuram.	5,919	23,09,938	...	...	...	...	...	...	...	...	...	...	...	8
11	Salem ...	6,894·8	33,71,769	1,022	...	...	21	...	2	2	164	338	1	39	6
12	Thanjavur ...	3,742·01	28,82,670	...	...	...	...	...	...	...	...	...	...	...	7
13	Tirunelveli	4,337	24,45,967	370	...	...	20	14	...	...	...	226	195	76	8
14	Tiruchirappalli ...	5,514	31,69,599	1,262	...	...	20	18	1	6	183	499	54	20	8
15	Govt. Rly. Police, Tiruchirappalli.	2,451·5	...	232	...	...	...	...	...	...	3	188	3	11	...